Supreme Court, U.S.
FILED

03 285 AUG 13 2003

ND3-316

In The
Supreme Court Of The United States

October Term 2002

ARLIN EDWARD RANEY, Petitioner

vs

UNITED STATES PATENT & TRADEMARK OFFICE, Respondents
Mr. Geo. Steele & Mr. T. Collins, Patent examiners

Counsel for appellant,
United States Attorney for the Dist. Of Columbia,
Mr. Roscoe C. Howard,
Mr. David J. Ball, Jr. Ast. U.S. Attny. of counsel
Judiciary Center, 555 Fourth St. N.W.
Washington, D.C. 20530
(202) 307-0299

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District Of Columbia Circuit

PETITION FOR A WRIT OF CERTIORARI

Arlin Edward Raney. Pro-se
1020 Old Furnace Rd.
Harrisonburg, Va. 22802
(540) 434-4928

18

QUESTIONS TO BE ANSWERED

Why did the patent & trademark office APPEAL BOARD " **FAIL**" to answer 3 separate patent application appeals, not requesting a "fee, or more information, if fee required, for 3 **US mail** recorded patent board appeals dated 12-17-2001,(Helicopter No. 09/435,477) 2 another dated March 26th. 2002 (Circle Cylinder Engine No. 09/632,983) or 3 another dated June 12, 2002 (Application No. 10/139,820 swing Rocker Engine), see: appendix index herein, see Appendix 8, 9 & 10, of the record No. 02-5409, as appealed from the US District Court of The Dist. Of Columbia to the " **UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT** " !, now appealed to the Supreme Ct. of the USA for constitutional grievance redress !

Did the patent & trademark office err ? assigning applicant the date Jan. 20, 2000, when application was certified US mail dated 7-14-1999 , that included oath, patent claims the patent office denied receiving, evidenced by US mail certification, & patent office stamped claims **disputes**? See: Appendix 14, of the record No. 02-5409 appeal to the US Ct. of Appls. For the Dist. Of Col. Cir.

Questions to be answered i (2)

Did the US District Court, Harrisonburg, Virginia West, S. G. Wilson dismissal order dated 7-17-2001 **err**, his memorandum stating only one patent claim per application , see: page ii-a No. 02-5409, U S ct. of appeals for the dist. Of col. Cir. see (authorities & Citations) United States Supreme Court Digest " Patents " , section five, requisites (B), ERR failing to indicate Which ?, US Dist. Ct. of the Dist. Of Columbia Circuit, should hear a **Art. 1, sec. 8, Cl. 8,** citizen patent complaint to enforce a **Mandamus patent issue** applied for?, the US Dist. Ct. of the dist. Of Columbia twice dismissed, claiming the P.T.O. appeal board appeal must be appealed to, Raney complied with, receiving "No Response " all three P.T.O. Board appeals !, **THEN PETITIONED**, Civil Action No. 02-0431 (RBW), for " **MANDAMUS** " patent issue, the patent court held for over six months, actually improbity denied after schedule, See: page **v & vi** of the appeal record No. 02-5409 of The United States Court Of Appeals For The District Of Columbia Circuit appellant appealed to, here-in **appealed from**, to the US Supreme Court Of The U.S.A. , The US Appeals Court For The District Of Columbia Circuit Now belatedly claiming should be appealed to the United States Court Of Appeals For The **Federal** Circuit

(not the Dist. Of Col. Circuit) contradicting other US Dist. Ct. orders, including the dist of Columbia, Dist. Ct. (RGW) orders, via a federal circuit court clerk, Ms./Mr. Jan Horably, 717 Madison Place N.W., Wash. D.C. 20439, clerk Horably copied to USDC DC, John M. Whealan, & David M. Cohen, Civil Division, DOJ (information only), compounding if not violating citizen constitution process. **How many US District Courts, District Circuit Appeal Courts** or so called Federal Circuits appeal courts **will** the United States Supreme Court Condone, avoiding **Article 1, section 8, clause 8** , perhaps violating amend. 5 & 6 if justice delayed is justice denied, not to mention the loss of patents !

Has the patent & trademark office failed the office commonly understood legislated purpose?, to maintain patent office records to protect patents rights issued, with-out payment of fee or perhaps better questioned, did the Patent & TradeMark Office ERR , accepting $1,140.00 in patent application fees, **never** informing patent applicant availability of patents

applied for? Both US District Court for the dist. Of Col. (RGW) & the PTO suggested patent applicant hire an attorney

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Is constitution citizen patent right **compromised** by the legal system, economically restricted dependant on a descriptive patent attorney ?

STATEMENT PURSUANT TO RULE 29.6

Petitioner, citizen states has no corporate parents, and

Is a single unincorporated patent applicant.

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Constitution provisions, statutes & reg. Involved

USA Article one, section 8, clause 8, " Citizen Patent Guarantee "

United States Supreme Court Digest " Patents "

Section one, Generally, Stimulate, Encourage or induce, see: Goldstein Vs. Calif., 412 US 546, 37 Ed 2d 163.

Section three, " Patent Office " is established to promote the progress of Science , to take all steps necessary & proper to accomplish that end! See: Sperry vs. Florida Bar, 373 US 379,10 L ed 2d 428

Section three, " Patent Office ", It is the **" DUTY "** of the patent office & the " **COURTS** " to give full effect to the constitution standard in each case of the statutory " SCHEME OF CONGRESS ", see: Graham Vs. John Deere, 385 US 1, 15 L Ed. 2d 545.

Section four, " Purpose of patent laws " is to foster & reward inventions. see: Arson vs. Quick Point, 440 US 257, 59 L Ed 2d 296.

Section four, " purpose of patent laws ", The ultimate goal , to bring NEW Designs, systems, to the public domain ; see: Bonita V. Thunder Craft , 489 US 141, 103 L Ed 2d 118.

Section four, " Purpose of patent laws ", is beneficient purpose to encourage USEFUL invention to inventive genius TO SECURE to the inventor " EXCLUSIVE " rights, see: Baur v. O'Donnell., 229 US 1, 57 L Ed 1041.

Section five, Requisites (B), Combining two or more patents may be included in one set of letters for more than one patent providing they relate to like subject and in nature or operation connected together. See: Hogg v. Emerson, 6 HOW 437, 12 L Ed 505, see: Leeds v. Talking Machine, 213 US 301, 53 L Ed 805.

Section 136, " Remedy " for refusal to issue, is " **MANDAMUS** " to compel issuance , see: Mandamus 50, 60.

Section 136, " Remedy ", When a claim applied for is rejected , a appeal & NOT A APPLICATION FOR REISSUE is proper, see Mahn v. Harwood, 112 US 354, 28 L Ed 665

Section 188, " Power of the courts ", it is the providence of the court in construing patents to determine what the subject matter is upon the **" whole "** face of the specifications and the accompanying **drawings**, see: Bates V. Coe, 98 US 31, 25 L Ed 68.

Section 188, " Power of the courts ", patents will be construed most favorably to the inventor, See: Grant v. Raymond, 8 L Ed 376.

Section 188, " power of the courts, " patents for inventions are to receive a liberal construction " **TO UPHOLD** " not destroy the right of the inventor, see: Winans v. Denmead, 14 L Ed 717.

Section 188, " Power of the courts " Patents that will save rather than destroy is **preferred by the court**, See: Hoyt v. Horne, 145 US 302, 36 L Ed 713.

STATEMENT OF JURISDICTION

Jurisdiction is mandated by Art. 1, section 8, clause 8, USA Constitution

---

Mandamus is had by, title 60 American Jurisprudence 2d. section 717, " Remedy " by civil action, pursuant to Title 28, USCS section 138 (A) & (B), Title 28, section 11391(e)(1)(2) & (4).

United States Supreme Court Digest " Patents " Patents, section 136 " Remedy " for refusal to issue is:

MANDAMUS TO COMPELL ISSUANCE.

Concise Statement Of The Case

On December 6, 2001 appellant filed a Mandamus Memorandum see: Civil Action No.:01cv-01852, dated 9-6-2001 & 5-20-2002 cv. No.02-431(RBW) complying with (Wilson, Kessler Orders), appealing in part Appdx. 40a , (Wilson, order Only one patent per application, Must appeal to the District Court Of The District Of Columbia) complied with, (Kessler order), must appeal to the Patent & trademark Office , APPEAL BOARD) before the District court Of The District Of Columbia will entertain " MANDAMUS " to issue patent, appellant complied with both orders, filing Appeals to the PTO appeal board, the PTO **appeal board never answered** , in a flagrant violation of Judge Kesslers Memorandum dated 8-29-2001, see appendix a-4,a27, a-37,a-49 in-fact appellant, after filing two patent applications became convinced the PTO Office **dysfunctional** (if not improbity saturated), FILED a 3rd. patent application (The Swing Cylinder Engine) to prove dysfunction PTO **improbity** belief , Raney first complained to senator George Allen Staff, Mr. David Gardner in person & by letter dated 5-3-2002 to his Richmond office, Raney to prove PTO improbity, **invented** the Swing Cylinder Engine, see appendix a-24,a-25 a unique personal concept, complete with

Oath, Claim, specific specifications, drawings, $380.00 application fee, in **less than 60 days**, the PTO true to improbity dysfunction, wrote back, $230.00 additional application dollars **required** to prevent patent application **abandonment !**, The Supreme Court Clerk or Justice should evidence , the PTO **" RESPONSE "** is solely in response to the " Senator Allen PTO complaint , Raney had asked Senator Allen to monitor the initial " Swing Cylinder Engine application " Mr. Allen was in fact privy to a complete patent application, the PTO Art.1 sec.8, cl. 8, **improbity** claiming $230.00 additional patent application dollars are required to prevent patent application abandonment where **verification** of this improbity is only a phone call away to Senator Allen Staff, Mr. Gardner at (804 771-2221. Precisely the same Helicopter type of patent dysfunction Ms. Inman, Ms. Middleton, improper Raney original 7-14-1999 15 patent process claims, PTO claiming, No Oath, no patent claims, even never received, the US Mail certified delivery of appellant initial 15 unique, novel , Helicopter patents applied for..

Sworn to under penalty of perjury by undersigned

Arlin Edward Raney, petitioner

Reason for granting

Mandated USA constitution separate executive , legislative, judiciary, peoples elected self government legislators appointed justices in the peoples Supreme Court the law of the land , to protect Article one, section eight, clause eight, that motivates, induces 300,000,000 USA citizens individually to pursue, days , months, years even life times in pursuit of Constitution guarantee's, in rewards of riches, recognition, individual dreams or national USA world advancement in economic protection for a period of time that the framers of the **USA CONSTITUTION** hoped, historically proven, would motivate USA citizens to pursue & share individual, freedom formulated idea's, of necessity, novelty or just plain inventiveness for personal gain!

Conclusion

The history of petitioner Raney judicial pursuit of Art. 1, sec.8,cl.8. (multiple, patent Office patent applications), (multiple, PTO Patent Office patent appeal board appeals) (multiple, federal District court mandamus petitions to obtain constitution patent right, reveals a petitioner

concluded **corrupt** federal patent Office system, ineffective, improper monitored, inferior Supreme Court established inferior court system that protects the S. Ct. establishment rather than our country or citizen!

Remedy requested

The S. Ct. to bite the bullet, monitor as police the constitution mandated inferior judicial system the court is responsible for, Courts the constitution intended to **protect the free citizen** , not the government.

Mandamus Grant petitioners patents applied for, subject as all patents granted by the PTO to infringement.

Grant petitioner the punitive sum the state of Virginia by jury verdict granted two Harvard Business school students in 2001, Aldo DiBelardino & Andrew Ive in the Copyright Case (fire escape) against Walter Kidie portable Equipment ,inc. in PTO punitive damages that may get the PTO Office attention so petitioner can get on with petitioners unique, novel, Art. 1, Sec. 8, Cl.8 inventing, what ever would have, could have been invented petitioner may accomplish in remaining time at age 75. noting of course the USA citizen will benefit in thousands of constitution intended ways!

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EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

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Show cause order, respondent untimely filed, (RBW) Court allowed & tting Dist. Ct. trial schedule & nine months later dismissed "Mandamus" remedy!

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

win Raney,	)	
	)	
Petitioner,	)	
	)	
	)	Civil Action No. 020431
	)	
tates of America,	)	
Trademark Office, et al.,	)	
	)	
Respondents.	)	

FILED
MAR 18 2002
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER DIRECTING RESPONDENTS TO SHOW CAUSE

is this 18th day of March, 2002

RDERED that the respondents, by counsel, shall within 45 days of service of a his Order and the Petition herein file with the Court and serve on petitioner a showing why the Writ of Mandamus should not issue.

he Clerk of Court is directed to furnish a copy of the Petition and a certified copy of r to the United States Marshal for the purpose of making service on respondents, as e Attorney General and the United States Attorney for the District of Columbia.

O ORDERED.

Royce B. Hall
United States District Judge

APPENDIX (A) a-2

Entered 7-17-01 Morgan Scott clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRIC OF VIRGINIA
HARRISONBURG, DIVISION

Arlin E. Raney, Plaintiff

V.

Civil action No.5:01-cv-00058
Order
By: Samuel G. Wilson
Chief United States District Judge

Director Of Patent and Trademark Office, et. Al., defendants

For the reasons stated in the courts Memorandum Opinion entered this day, it is **ORDERED and JUDGED** that Raney's lawsuit is **DISMISSED** for lack of subject matter jurisdiction . The clerk is directed to strike the case from the docket record of the court.

ENTER: this 16th day of July, 2001.

SIGNED
CHIEF UNITED STATES DISTRICT JUDGE

Filed Nov. 15, 2001 clerk of the court

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Arlin Edward Raney, petitioner

Civil action N0 01-1852

v.

United States Of America,
Paten & Trademark Office
Director and Mr. Geo. L. Steele
(patent examiner) Respondents

ORDER

This matter comes before the court upon petitioner's motions to amend the judgment in this case. Petitioner seeks a writ of mandamus to compel the Patent & Trademark Office to issue 15 patents to him. The petition was dismissed for lack of subject matter jurisdiction because petitioner had not first exhausted his administrative remedies by seeking relief in the Board of Patent Appeals and Interferences. See Memorandum and dismissal order of August 29, 2001. In the present motions, Petitioner does not identify any error in the courts reasons for dismissal. Moreover petitioner makes no mention of any attempt to seek relief through the Board of Patent Appeals & interferences. Instead, petitioner alleges that the Patent & Trade-

Mark Office is engaged in widespread fraud and asks this court to investigate. Federal courts have limited jurisdiction. As explained to petitioner by two separate district courts, this court does not have jurisdiction to consider his claim against the Patent & Trademark Office unless and until commissioner in the United States District Court for the District of Columbia " Exhaustion of administrative remedies is a jurisdictional prerequisite to filing a civil lawsuit arising from the denial of a patent. See Leighton v. Coe, 130 F. 2d 841, 842 (D.C. Cir. 1942). Petitioner filed his complaint in this court based on the Virginia district courts observation that even if petitioner had exhausted administrative remedies , this court would be the proper venue for litigating his claims under section 145. That observation, however, was not the basis of the dismissal. Petitioner has not presented any evidence showing that he has exhausted his administrative remedies by , among other things , obtaining a decision From the Board of Patent Appeals and Interferences. Therefore, this court lacks subject matter jurisdiction over his claims. Accordingly, it

is this 24th. day of August 2001, **ORDERED** that Petitioner's application to proceed *informa pauperis* is **GRANTED**, and it is

FURTHER ORDERED that Petitioners complaint is **DISMISSED** without prejudice for lack of subject matter jurisdiction.

signed_Gladys Kellller____
United States District Judge

Filed Nov. 18, 2002, N.M. Whittington clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Arlin E. Raney,
Petitioner,
v. **Civil action No.02-0431 RBW**

United States Patent
And Trdemark Office, et. Al.,
Respondents

JUDGMENT

For reasons set forth in the accompanying Memorandum Opinion, it is hereby **ordered** that respondents motion to dismiss [#10] is granted and petitioner's motion for **mandamus** and **summary judgment** [#12] is denied; it is **FUTHER ORDERED** that the petition for a writ of mandamus [#1] is denied and the **Order** Directing Respondents to Show Cause [#3] is **DISCHARGED**; it is **FURTHER ORDERED** that the Initial Scheduling Conference set for Nov. 19, 2002 [#16] is CANCELED; and it is **FURTHER ORDERED** that this action is DISMISSED without prejudice and with leave to re-open upon filing proof of payment of the appeal fee and a final decision of the Board of Patent Appeals and Interferences.

SO ORDERED.

signd
REGGIE B. WALTON
United States District Judge

date Nov. 18, 2002

APPENDIX "A" a-7[1/8]

UNITED STATES DISTRICT COURT
OF THE DISTRICT OF COLUMBIA

Arlin E. Raney, Petitioner,

Vs. Civil action No. 02-0431 (RBW)

United States Patent &
Trademark Office
Mr. G. Steele & Mr. T. Collins
Patent examiners, Respondents

MEMORANDUM OPINION

Arlin E. Raney is trying to obtain a patent for several of his inventions for improving helicopter rotors. His patent application, originally submitted to the Patent & Trademark Office ("PTO") in 1999, contains numerous detailed drawings and descriptions of his inventions. Mr. Raney, however, is tryinf to obtain these patents on his own without the assistance of a attorney. The PTO rejected his patent application because " it did not describe the invention in clear , concise and exact terms " and advised Mr. Raney " to secure the services of a registered patent attorney or agent to prosecute the application,

Since the value of a patent is largely dependent upon skillful preparation and prosecution ." Mr. Raney's failure to retain counsel is understandable considering that he is retired and living in Harrisonburg, Va, on only his social security benefits. Undaunted, Mr. Raney responded to the PTO's rejection and filed an administrative appeal on his own. He did not, however pay the fee for filing an appeal and , subsequently , his appeal was dismissed as abandoned. See 37 C.F.R. Sec: 1.17(b) (sets the filing fee for appeals.)[1] Petitioner can seek the issuance of an order from the court that he " is entitled to receive a patent for his invention ..." only after he has received an adverse " decision of the Board Of Appeals and interferences " 35 U.S.C. Sec. 145. Exhaustion of administrative remedies, including payment of the appeal fee and a decision from the board of patent appeals and interferences, is a jurisdictional prerequisite to filing a civil law suite arising from the denial of a patent. Leighton v. Coe, 130 F. 2d 841, 842 (D.C. Cir. 1942). Payment of patent fee's is mandatory, even for indigents inventors.

Boydon v. Commissioner of patents, 441 F. 2d 1041, 1044 (D.C. Cir. 1970).

In response to the evidence that petitioner has not paid the the appeal fee or received a decision from The Boaed Of Appeals and interferences , petitioner states that he paid the application fee to the P.T.O. only to have his application delayed and neglected . While this may be true , petitioner must first seek to correct PTO's alleged errors through an appeal to the Board Of Patent Appeals and Interferences, not through a civil action in this court. To pursue this appeal, petitioner must first pay the appeal fee. With-out evidence that petitioner has paid the appeal fee and received a final decision from the Board Of Patent Appeals and interferences, this court lacks subject matter jurisdiction over his claim . Consequently, the court must deny the petition and dismiss the case without prejudice. In doing so, however, the court will grant plaintiff leave to re-open This action upon filing proof of payment of the applicable appeal fee and the issuance

Of a final decision on his application by the Board of Patent Appeals and interferences.

An appropriate Judgment accompanies this Memorandum Opinion.

SIGNED
REGGIE B. WALTON
United States District Judge

Date November 18, 2002

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[1] The appeal fee for small entities was recently increased to $160.00 see Reg. 47,389 (Sept. 12, 2001)

Filed Nov. 18, 2002, N.M. Whittington clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Arlin E. Raney,
Petitioner,
v. **Civil action No.02-0431 RBW**

United States Patent
And Trademark Office, et. Al.,
Respondents

JUDGMENT

For reasons set forth in the accompanying Memorandum Opinion, it is hereby **ordered** that respondents motion to dismiss [#10] is granted and petitioner's motion for **mandamus** and **summary judgment** [#12] is denied; it is **FUTHER ORDERED** that the petition for a writ of mandamus [#1] is denied and the **Order** Directing Respondents to Show Cause [#3] is **DISCHARGED**; it is **FURTHER ORDERED** that the Initial Scheduling Conference set for Nov. 19, 2002 [#16] is CANCELED; and it is **FURTHER ORDERED** that this action is DISMISSED without prejudice and with leave to re-open upon filing proof of payment of the appeal fee and a final decision of the Board of Patent Appeals and Interferences.

SO ORDERED.

signd
REGGIE B. WALTON
United States District Judge

date Nov. 18, 2002

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

No. 02-5409
(C. A. No. 02-431)

Arlin E. Raney Appellant,

v.

United States Of America, et. al. Appellees,

APPELLEES' MOTION TO TRANSFER

Appellees move this court to transfer this appeal to the Unites States Court of Appeals for the Federal Circuit, which has exclusive appellate jurisdiction over patent cases like this one. Congress has provided, at 28 U.S.C. Sec. 1295(a)(1), that the Federal Circuit " shall have exclusive jurisdiction-(1) of a appeal from a final decision of a district court of the United States...if the reference statute, 28 U.S.C. sec. 1338, provides district court jurisdiction over any civil action relating to patents ".

As is plain from the Honorable Reggie B. Walton's Memorandum Opinion and Judgment of November 18, 2002, which is attached, the action below concerns appellant's attempt to obtain a patent. See also R.I., appellant' petition for mandamus, which is titled "Mandamus "

Petition for patent issue " The action was thus a " civil action relating to patents, " Sec. 1338, and accordingly the court with exclusive jurisdiction over any appeal from that action is the Federal Circuit, sec. 1295(a)(1)

Reference to "R.__" are to he numbered entries in the District Court docket.

In view of appellant's pro-se status, and in the interest of juditial economy, appellees are not moving to dismiss this appeal, but instead move to transfer it to the Federal Circuit pursuant to 28 U.S.C. sec. 1631.

WHEREFORE based on the foregoing, appellees respectfully request that this appeal be transferred to the Federal Circuit.

signed
ROSCOE C. HOWARD, JR.
United States Attorney

signed
R. Craig Lawrence
United States Attorney

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. Roscoe C. Howard, Jr. US Attorney
Mr. Craig Lawrence, Ast. Attorney
Mr. David J. Ball, Jr. Ast. Attorney
Attorney's for appellee's

Re: transfer of US Court of Appeals for the Distic of Columbia Circuit No. 02-5409 as appealed from (C.A. No. 02-431) (R.B.W.)

Arlin E. Raney, pro-se

Vs.

United States Of America, et. al.
US Patent Department Office et. al.
Appellee's

APPELLANT ANSWER TO APPELLEES MOTION TO TRANSFER

Appellant objects to the delay of justice in that the appellant first file civil action 1.01-cv01852. for "Mandamus" July 18, 2001, see enclosed order, then filed as ordered " Mandamus " to issue patents dated 8-10-2001, the appellee FAILED to timely answer the courts civil action No. 02-431 (RBW) order dated March 18, 2002, **directing respondents to show cause** , Why ? within 45 days , the writ of Mandamus should not issue, the appellee failed to timely answer

The R.B.W. Court finally dismissed dated Nov. 18, 2002, appellant **timely appealed . Civil action 02-5409 dated 12-26-2003**.

The appellant wants a fair constitution trial by jury under Art. 1, sec. 8, Cl. 8, & states the RBW court, should have & the US attorney's both, should have mentioned jurisdiction transfer as well as the United States District Court Of Appeals For The District Of Columbia Circuit before either docketed the appeals, the appellant will be 75, 2-8-2003 & demands if this court appeals court does not issue patents & if appeal transferred, should mandate trial is to be by jury not to be delayed beyond 30 days.

dated 1030-2003 Arlin E. Raney, petitioner

Certificate of service:
Is by first class US Mail to Mr. Roscoe C. Howard, US Attorney & Staff this 31st day of January 2003, at his office, the judiciary center Rm. 10-114, 555 Fourth St. N. W. , Wash. D.C. 20530

APPENDIX (d) a-14, Raney Proof PTO Failue to timely respond, trial scheduled, held 9 MTHS., Unfairly dismissed, eve of 1st. pretrial hearing

U.S. District Court
USDC District of Columbia (Washington)

CIVIL DOCKET FOR CASE #: 02-CV-431

RANEY v. USA, et al
Assigned to: Judge Reggie B. Walton
Demand: $0,000
Lead Docket: None
Dkt# in other court: None

Filed 03/06/02
Nature of suit: 890
Jurisdiction US Defendant

Cause: 10:1006 Review of Agency Decision
Case type: 1. civil 2. pro n

ARLIN E. RANEY plaintiff	ARLIN E. RANEY FTS 434-4928 [COR LD NTC pse] [PRO 1020 Old Furnace Road Harrisonburg, VA 22802 AREA CODE (540)
v.	
UNITED STATES OF AMERICA federal defendant	David Jackson Ball, Jr. FTS 307-0299 202-305-0955 FAX [COR LD NTC gvt] U.S. ATTORNEY'S OFFICE Civil Division 555 Fourth Street, NW Washington, DC 20530 AREA CODE (202)
PATENT & TRADEMARK OFFICE DIRECTOR federal defendant	David Jackson Ball, Jr. (See above) [COR LD NTC gvt]
GEORGE L. STEELE, Patent examiner federal defendant	David Jackson Ball, Jr. (See above) [COR LD NTC gvt]
TIMOTHY D. COLLINS, Appeal, patent application examiner federal defendant	David Jackson Ball, Jr. (See above) [COR LD NTC gvt]

Appendix (D) a-15 (RBW) "Mandamus " docket held nine months, unfairly dismissed 1 day preceding first pre-trial hearing date

Proceedings include all events.
1:02cv431 RANEY v. USA, et al

ocket as of December 16, 2002 12:26 pm

CLOSED

1 COMPLAINT filed by plaintiff ARLIN E. RANEY; attachments (11) (bm) [Entry date 03/12/02]

-- SUMMONS NOT ISSUED. (bm) [Entry date 03/12/02]

2 APPLICATION by plaintiff ARLIN E. RANEY to proceed in forma pauperis (bm) [Entry date 03/12/02]

-- ORDER by Judge Emmet G. Sullivan granting motion to proceed in forma pauperis [2-1] by ARLIN E. RANEY (fiat) (N) (bm) [Entry date 03/12/02]

2 3 ORDER by Judge Reggie B. Walton: that the respondents, by counsel within 45 days of service of a copy of this Order and the Petition show cause why the Writ of Mandamus shoul not be issued; directing that the Clerk of Court furnish a copy of the Petition and a certified copy of this Order to the U.S. Marshal for the purpose of making service on respondents, as well as the Attorney General and the U.S. Attorney for the District of Columbia. (N) (pob)

2 -- SHOW CAUSE (5) issued to federal defendant USA, federal defendant PATENT/TRADE OFC DIR, federal defendant GEORGE L STEELE, federal defendant TIMOTHY D. COLLINS . (aet) [Entry date 03/29/02]

4 RETURN of service executed to order to show cause on 4/4/0 upon US ATTORNEY GENERAL (aet) [Entry date 04/09/02]

5 RETURN of service executed to order to show cause on 3/27/02 upon US ATTORNEY (aet) [Entry date 04/09/02]

02 6 RETURN of service executed as to federal defendant PATENT/TRADE OFC DIR to order to show cause on 3/27/02 (m [Entry date 04/16/02]

02 7 RETURN of service executed as to federal defendant TIMOTHY D. COLLINS to order to show cause on 3/27/02 (mpt) [Entry date 04/16/02]

4/15/02	8	RETURN of service executed as to federal defenda L. STEELE to order to show cause on 3/27/02 (mp [Entry date 04/16/02]
5/6/02	9	MOTION filed by federal defendants to dismiss co [1-1]; exhibits (7) (cdw) [Entry date 05/07/02]
		READ LINE LIMIT →
6/3/02	13	NOTICE by federal defendant USA concerning status of re in support of respondents' motion to dismiss for lack o subject matter jurisdiction (aet) [Entry date 06/06/02]
6/6/02	14	NOTICE by federal defendant USA, federal defendant PATENT/TRADE OFC DIR, federal defendant GEORGE L. STEELE federal defendant TIMOTHY D. COLLINS that respondents wi not seek to file a reply in support of motion to dismiss for lack of subject matter jurisdiction (aet) [Entry date 06/11/02]
6/12/02	15	NOTICE of conflict by plaintiff ARLIN E. RANEY (aet) [Entry date 06/15/02]
10/24/02	16	INTIAIL SCHEDULING ORDER by Judge Reggie B. Walton stat hearing set for 9:30 11/19/02 ; (N) (pob)
10/24/02	17	GENERAL ORDER AND GUIDELINES FOR CIVIL CASES by Judge Reggie B. Walton: (N) (pob)
11/7/02	18	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 16 fil by plaintiff ARLIN E. RANEY .; attachments (aet) [Entry date 11/12/02] [Edit date 11/12/02]
11/14/02	19	RESPONSE by federal defendants USA, PATENT/TRADE OFC DIR GEORGE L. STEELE, TIMOTHY D. COLLINS to order dated 10/2 [17-1] (aet) [Entry date 11/18/02] [Edit date 11/18/02]
11/15/02	20	RESPONSE by federal defendants USA, PATENT/TRADE OFC DIR, GEORGE L. STEELE, TIMOTHY D. COLLINS to Meet & Confer statement [18-1] by ARLIN E. RANEY; exhibits (1) (aet) [Entry date 11/18/02] [Edit date 11/18/02]
11/18/02	21	MEMORANDUM OPINION by Judge Reggie B. Walton (N) (pob)

Proceeding lude all events. READ LINE →
1:02cv431 v. USA, et al

CLOSED

ORDER by Judge Reggie B. Walton: denying motion for mandamus summary judgment order for 15 patent claims and peitioners response to respondents answer to the courts order to show cause [12-1] by ARLIN E. RANEY, granting motion to dismiss complaint [1-1] [9-1] by federal defendants; denying petition for writ of mandamus [1-1] by ARLIN E. RANEY; discharging Order directing respondents to show cause; case dismissed without prejudice and with leave to reopen upon filing proof of payment of the patent appeal fee and a final decision of the Board of Patent Appeals and Interferences. (N) (pob) [Edit date 11/18/02]

Docket as of December 16, 2002 12:26 pm

NER RANEY, 39 EXHIBIT IDENTIFICATION
f original patent application dated 7-14-1999 by certified
23-194-465 for 15 patents. **Not 7-14-**

of original 7-14-2002 dated patent application envelope Certified mail Z-023-194-465
al 7-14-2002 certified Z-023-194-465 first page , multiple patent application.
petal Liquid Transfer , page (59) PTO employee JC520, stamped 7-21-1999, patent cl
n Bridge , page (62) PTO employee JC 520, stamped 7-21-1999, Petitioner Patent clai
al petitioner 15 flying machine patent page indexed location of petitioner patent clain
oner notice to PTO Office, Mr. Earnest Shifflett was sending patent fee dated 7-14-199
receipted Mr. Shifflett 7-21-1999 dated envelope the $300.00 petitioner patent fee con
(67) of the original petitioner patent application, petitioners 7-2-1999 dated, notarized
ost office certification the petitioner patent application was received by the PTO-Office
Office note to send back Mr. Shifflet petitioner application fee.
employee, Ms. Santissa Inman 9-15-1999 notice to Mr. Shifflett money order fee retur
oner letter to PTO Office of inquiry regarding the 7-14-19999 patent application & fee
Office employee, Ms. S. Inman Nov. 29, 1999 patent application return claiming " Oth
hifflett 9-17-1999 note to petitioner & enclosure to petitioner a $300.00 money order.
of the replaced $300.00 Shifflett money order & the 7-15-1999 certified petitioner r
oner letter to PTO Office employee Ms. Inman informing Ms. Inman of her 7-14-1999
n receipt Z480-091-675 of second application for patent mailed to PTO Office Ms. Mi
oner 10-5-1999 letter to JUSTICE DEPT, complaining PTO Office const. patent righ
oner 10-18-1999 PTO Office second patent application submission cover letter.
Office 12-5-2002, PTO Office employee Ms. Middleton mistaken notice of Incomplet
oner 3rd. application submitted to PTO Office employee Ms. Middleton of 11-8-1999 f
oner 3rd. PTO Office application emphasizing CLAIMS SEE PAGES 8 THRU 73.

eader should note this list a-19 & a-20 is intended to
show comprehensive RBW court evidence and not specifics
read cut line is at the x----------here-------x
this is the third submission to the S. Ct. due to un familiar
ORARI printing requirements.Also the reason you encoun-
nk pages as to maintain Appendix A-1 to a-ending number

BEST AVAILABLE COPY

23. Petitioner letter of complaint to PTO Office Ast. Sec. & Commissioner Mr. Bru
24. Petitioner second JUSTICE DEPT. Patent miss handling complaint.
25. Dept. Of Justice response to PTO Office regarding petitioner miss handling com
26. Petitioner notes of PTO Office employee Ms. Williams great effort to assist pet
27. Petitioner inspired oath affidavit with local post office verification of document
28. Petitioner use of certified documents mailed to PTO Office Mr. Michael Manso
29. Supervisory Pet. Exam. Mr. R. Green , regarding petitioner complaint to COM
30. MS. Teresa Williams, successful 9-19-2000, 1-20-2000 filing date though 8 r
31. PTO Office Mr. Steel , unsupported, false claim, regarding alleged 11-8-1999
32. PTO Office, Mr. Geo. Steel requested single patent " Universal Support " petit
33. PTO second Mr. Geo. Steel requested single patent " Universal Support " appl
34. Petitioner 3 page exhibit, **unanswered Mr. Steel Correspondence, PTO " Ret**
35. Petitioner page 1&6 of petitioner complaint , the PTO Office has lost constitutio
36. Petitioner notice petitioners patent application is abandoned from un heard of M

After petitioner filed appeal to the PTO Office appeal board.

37. Judge S. G. Wilson petitioner mandamus patent dismissal for lack of subject r
38. Judge Gladys Kessler petitioner mandamus dismissal for lack of subject matter
39. Petitioner appeal to the board of appeals of the United States Patent Office as

Mr. Timothy D. Collins, PTO Office examiner.

Affidavit &sworn oath testimony by Arlin Edward Raney

Dated 5-20-2002 to be used to comply with US District Court ORDER filed 5-10-2002, Raney vs, Patent & Trademark Office, case Action No.02-0431 (RBW).

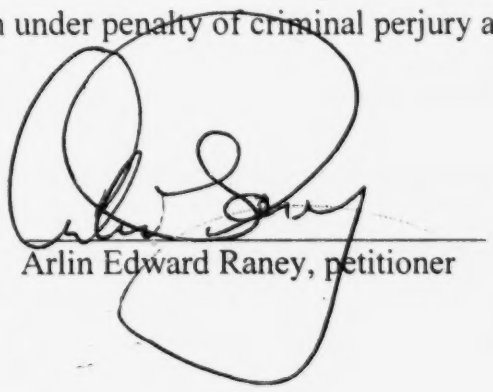
To confirm petitioners memorandum dated 5-20-2002, is sworn as absolute unmitigated facts, exhibited as absolute testimony of unmitigated truth, sworn to and exhibited under petitioner penalty of criminal perjury as presented beginning page 2 thru 6 where petitioner possesses all evidence petitioner recited and demands the Patent & Trademark Office produce creditable factual evidence Petitioners exhibits and testimony is not!.

PTO EXAMINER MR. GEO. STEELE

Did severely violate the petitioner for patent falsely, by phone promising to issue petitioner a patent for " Universal Support Invention " If petitioner would make a new universal support application for just one patent claim, of petitioners flying machine, then Mr. Steele called petitioner stating petitioner was back tp day one, mailing petitioner a second rejection, requesting petitioner to make petitioners universal support patent application simpler, that petitioner complied with, however, petitioner did

in this universal support application to Mr. Steele claim, the PTO Office & examiner had perhaps lost sight of the US Constitution " INTENT ", not heaing from Mr. Steele further, petitioner wrote Mr. Steele a appeal letter, stating , regretfully perhaps a legal suit under constitution mandate would be necessary, that the PTO Office mail department returned, unopened, **stamped no such person is listed in the Patent & Trademarl directory.** Petitioner was never notified by the Patent & Trademark Office that the office had a appeal department nor was a fee required if appeal was made to that department where petitioner first appealed to the local Virginia US District Court,, where petitioner thought the local court meant petitioner must appeal to the US Dist. Ct. Of Washington, D.C. petitioner twice appealed to, never realizing the patent department had a appeal division, **petitioner finally exhausted after five appeals,** .nor a special patent & trademark US District Court only located in Washington, D. C. for that matter! Sworn by oath under penalty of criminal perjury as the complete unmitigated truth.

5-20-2002



Arlin Edward Raney, petitioner

CLERKS OFFICE
UNITED STATES DISTRIC COURT
FOR THE DISTRIC OF COLUMBIA
WASHINGTON, D.C.

Dec. 16, 2002

Arlin E. Raney
1020 Old Furnace Rd.
Harrisonburg, Va. 22802

Dear Mr. Raney:

I am returning your check number 0390 in the amount of $160.00 made to the United States Patent & Trademark Office. Any checks to this court must be payable to clerk, US District Court.

Enclosed is a copy of the docket sheet. If you need any further copy work please submit your request without payment. The court will send you the copy work with an invoice of charges for you to pay within 30 days.

If I can be of further service to you please feel free to contact me at (202) 354-3120

Sincerely, Nancy Whitington, Clerk

ARLIN E. RANEY 11/00
1020 OLD FURNACE RD 540-434-4928
HARRISONBURG, VA 22802

039

12-7-02 DATE

56-549/514
BRANCH 58

PAY TO THE ORDER OF UNITED STATES PATENT & TRADEMARK OFFICE $ 160.00

ONE HUNDRED SIXTY 00/100 DOLLARS

Shenandoah National Bank
Harrisonburg, VA 22801

FOR BOARD OF APPEALS
PATENT & TRADEMARK OFFICE
BOARD OF APPEALS PATENT APPEAL

Arlin E. Raney

⑆051405492⑆ 580556⑈ 2538⑈06 0390

2-19-2003 **APPENDIX (H) a-24, Senator Allen (VA.) My answer to the senators inquiry of "fraud in the Virginia appeal court!**

Mr. George Allen, U.S. Senator
507 East Franklin St.
Richmond, Virginia 23219

RE: Criminal Fraud in the Virginia Appeal court, by deputy cler
Ms. S. L. Kelly, To include Art. 1, sec. 8, cl. 8, U.S. Constitution
" Patent " violations by the U.S. Dist. Ct. Of Wash., D. C.

Dear Mr. Allen:

Thank you for your response & indicated actions thereof . I, again enclose my request for
Ahcroft, to indict the state of Virginia, deputy clerk, Ms. Sharon L. Kelly, blatant Virginia
Supreme Court Fraud to refresh intentions.

I, contacted you, as a U.S. law statute legislator hoping to plant the inconciveable see
" RAMPANT FRAUD " **in our judicial system,** I believe will ultimately destroy " not
system " but our country , hopefully you will monitor thru the congressional judiciary.

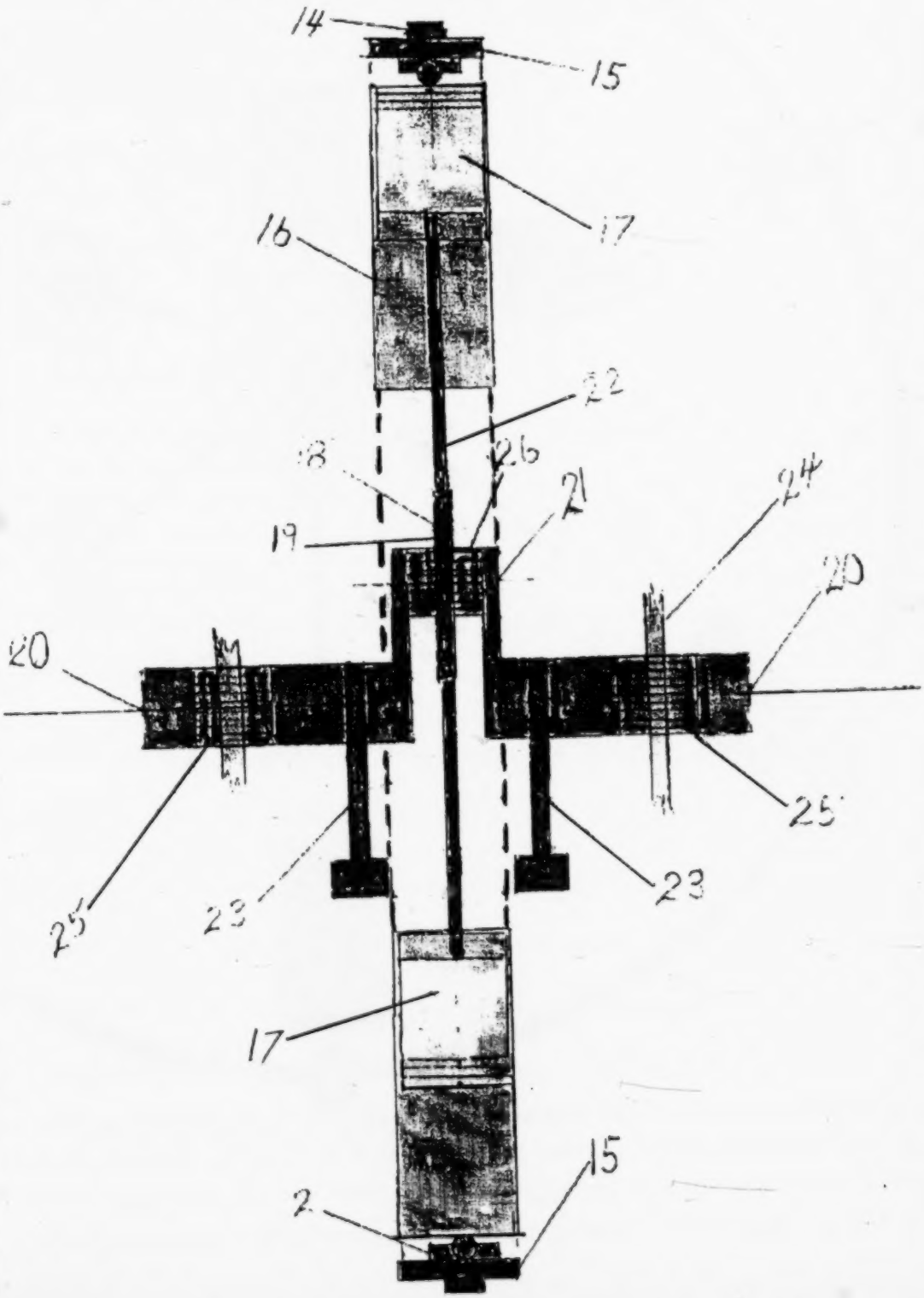
You properly forwarded to Mr. Ashcroft " my complaint ", I copied your State senat
colleague Mr. John Warner, whom, I believe is a great system patriot exceptional hard wo

My hope is, you and other law makers will monitor all judicial problems , includin
" dysfunctional, " U. S. Patent & Trademark Office, our constitution guaranteed !

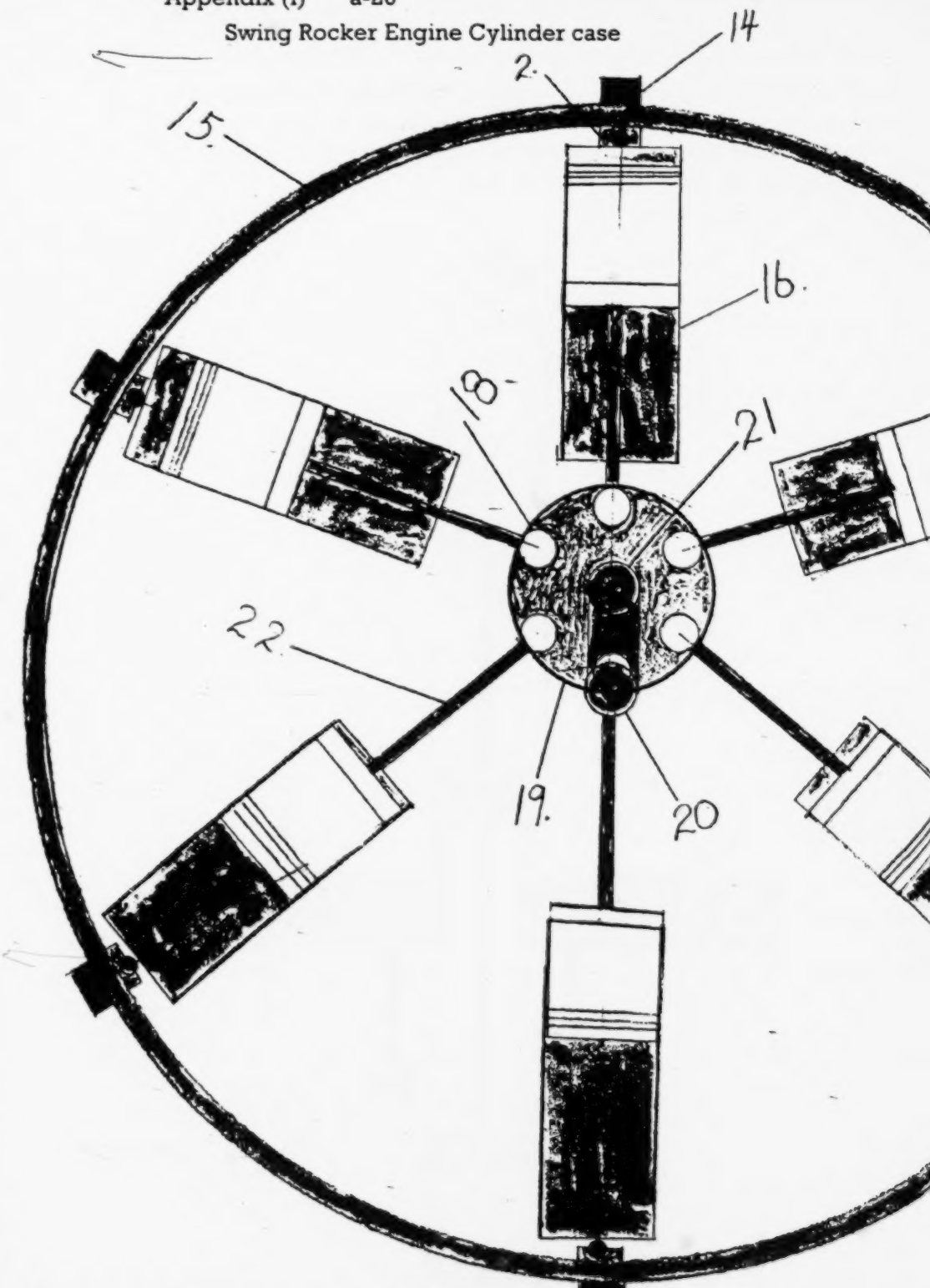
Again, Thank you,

Arlin Edward Raney, complainant
1020 Old Furnace Rd.
Harrisonburg, Virginia 22802
(540) 434-4928

Appendix (I) a-25 Swing Rocker Engine , Axle profile
Invented for Mr. David Gardner, Senator Geo. Allen assistant, solely to prove to senator Allen, the Patent & Trademark Office is constitutionally dysfunctional , perhaps improbity saturated



Swing Rocker Engine Cylinder case



Swing Rocker six cylinder engine side view, axle is 20, 21 axle throw spins aro
axle 20 as disc 19 spins in precise circle axle throw 21 RADIUS, cylinders 16 swing
side, right side in spin, pistons appear to reciprocate, actually are ridgidly fixed to
& disc 19, (disc 19 inner bearing spin) permits piston power stroke & exhaust

UNITED STATES PATENT & TRADEMARK OFFICE

APPEAL BOARD

ARLIN EDWARD RANEY,
Petitioner,

v. Application No.10/139,820 dated 5-7-02
Confirmation No. 5549, SWING ROCKER ENGINE

PATENT & TRADEMARK OFFICE, et. al.
&
UNKNOWN 6-12-2002 CUSTOMR SERVICE CENTER 703-308-1202 APPLICATION FORMALITIES LETTER OCR08273871 PROCESSOR " ITEMS REQUIRED TO AVOID ABANDONMENT " IN ONLY 60 DAYS, AFTER HAVING PAID $380.00, THE PTO DEMANDING ANOTHER $230.00 FOR A TOTAL SEARCH FEE OF $613.00

APPELLANTS APPEAL OF THE PATENT & TRADEMARK OFFICE LETTER OF ABANDONMENT REJECTION DATED 6-12-2002

The above applicant Arlin E. Raney, received Saturday 6-15-2002 and herein " formally " appeals to the Patent & Trademark Office Board Of Appeals this " **False** "patent office claim, of **missing parts** of a non provisional patent application where the applicant claims the Patent & Trademark Office is in " **VIOLATION** " of the USA ConstitutionArt. 1, Sec. 8, Cl. 8 for the following reasons:

The applicant claims the oath or declaration was included in the applicants formal patent application (page 6), the applicant refers to on the applicants very first page of a 23 page " Formal " patent application, where one can not have a patent application number until one files a original patent application !

The **false PTO claim** is in violation of Supreme Court decision, Art.1 sec 8, cl.8 (even if true) though applicant claims is absolutely false, is in violation decisions. Where the Supreme Court Digest , states (GENERALLY) , section 1, as employed in this Art.1, sec. 8, cl. 8 (the words promote are synonymous with the words to stimulate, to encourage or to induce, 37 L Ed 2d 163, see G vs C. Further , A PTO, substitute specification requirement claim (even if true) & it could have been true, but after application inspection is **totally false** , in that the application is beautifully spaced double, is in violation of the Supreme Court Decision (again even if true , according to S.Ct. digest, sec. Four, purpose of patent laws,: The **ultimate goal** of the FEDERAL PATENT SYSTEM is to bring new designs & technologies into the public domain, see B. vs. T.C., 103 L. Ed 2d 118, further A PTO substitute specification, claiming falsely ,

applicants application line quality is to light to be reproduced is **totally false** or text sheet numbers , view numbers must be plain & legible is totally false or more than one figure is present but not labeled " fig " with a consecutive Arabic numeral or Arabic numeral and capital letters in English alphabet, may have some truth, but even if true, is in absolute violation of applicants patent application fee paid & applicants patent intent to obtain a patent if PTO requirement search reveals the patent is obtainable that congress ordained the PTO, the supposed congress patent record experts in patent " RECORD " the patent record availability question, the patent application was by PTO failed, however worse, in violation of Supreme Court decision, see S. Ct. Digest states PTO construtions that will save rather than **destroy** a patent is preferred, see Hoyt V. Horne, 145 US 302, further claiming , Patents will be construed most favorably to the inventor, see Grant V. Raymond, 8 L Ed 376, further claiming Patents for inventions are to receive LIBERAL CONSTRUCTION, to uphold the right of the INVENTOR, see Winnans V. Denmead, 14 L Ed 717. further the S. Ct. Digest sec. 188, the power of the courts , it is the province of the courts in construing patents to

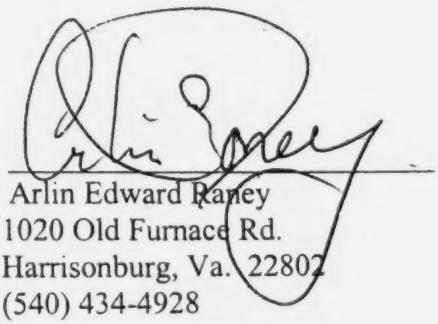
determine what the subject matter is upon the **whole face** of the specifications and the accompanying drawings , see Bates v. Coe, 98 US 31, 25 L Ed 68, further the PTO **Falsely Claims** an abstract was not provided for the application in violation of the above S. Ct. Decisions Applicant appeals the PTO did not properly read the applicants "specifications " page one , Quote : The engine is nothing more than a internal fuel burning engine , exactly the same as a " OTTO " engine thru abstract specification referring to the great Wright or Pratt & Whitney radial engines , **Where the similarity ends** Further the PTO is in violation claiming items required to avoid processing delays for additional fees, $168.00 as a small entity and $65.00 late Oath or declaration (page 6) for a additional $233.00 for a small entity noting the applicants application was accompanied by a **$380.00** application fee paid in advance , PTO in violation of constitution law, S. Ct. Decisions and gross violation both federal statute, 28 USC statute 1915, where (with out prepayment of fees) the patent applicant was by the US Dist. Ct. for the dist. Of Columbia, " **approved** with-out fee, the **Mandamus** case for **PATENT**

ISSUE , Civil action No. 02-431 (RBW) and Virginia state Statute law, statute 17.1-606, persons allowed services with out fees or costs, the applicant is by circuit court of Rockingham County " approved " which Virginia State statute states ; any person who is a resident of the commonwealth and on account of his poverty is unable to pay fees or costs may be allowed by a court to sue or defend a suit therein, with-out paying fees or costs, three very serious of the many PTO violations of the patent & trademark office that the PTO threatened abandonment in 60 days of the appellants prepayment application, though the applicant is approved indigent and to avoid patent delays, prepaid patent application fee (borrowed or not) is so flagrant , disgracefully dysfunctional under congressional patent law intent section three of the US Supreme Court Digest, (the patent office, officers, bar and records) quoting: it is the duty of the commissioner of patents and the courts in the administration of the patent system to give full effect to the constitution standard application, in each case of the statutory scheme of congress, see Graham v. John Deere, 383 US 1, 15 L Ed 2d 545. This patent office appellant claims The PTO is dysfunctional from constitution intent and in light of the PTO office three

year delay of the patent applicants first patent application for a flying machine that incorporates fifteen necessary integrated inventions to work, the patent office falsely claimed the patent applicant abandoned, the patent applicant demands the patent office in ten days issue the applicant a patent or explain in detail (not bureaucratic paper rules & regulations or false claims) but in detail, why, the swing cylinder engine is not available for patent issue, where then, if the patent search reveals, a swing cylinder has been patented , the application is closed, where if not, a PTO search reveals a patent is available, " THE PATENT APPLICANT WILL COMPLY WITH THE EXPENSE of rules regulations satisfactory to the PTO for recording. Accordingly, if this APPEAL to the PTO Appeal Board Fails to cause the appeal board, to do this appeal boards duty, to cause a proper PTO patent application search, that a computer should be able to do in a few minutes, another MANDAMUS court suit for patent issue will be filed! The patent applicant will not entertain more delays, the ten day arbitrary patent application time limit of return receipt notice is a reflection this patent applicant believes the PTO is dysfunctional by design contrary to the USA constitution , contrary to the congressional intent, contrary to the established purpose of the patent & trademark office,

contrary to this USA citizen interest and most of all **contrary to the interest of the USA.**

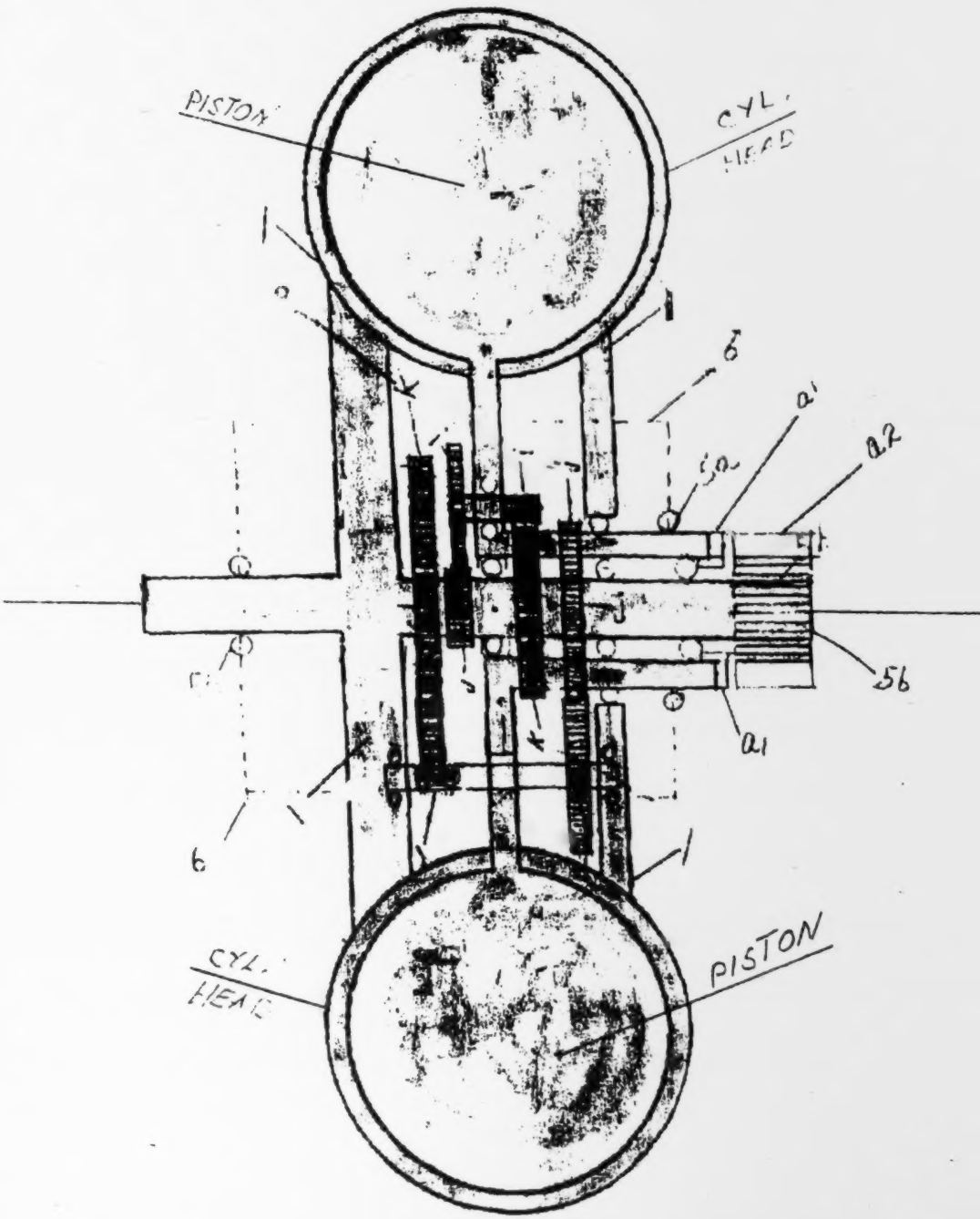
Sincerely,



Arlin Edward Raney
1020 Old Furnace Rd.
Harrisonburg, Va. 22802
(540) 434-4928

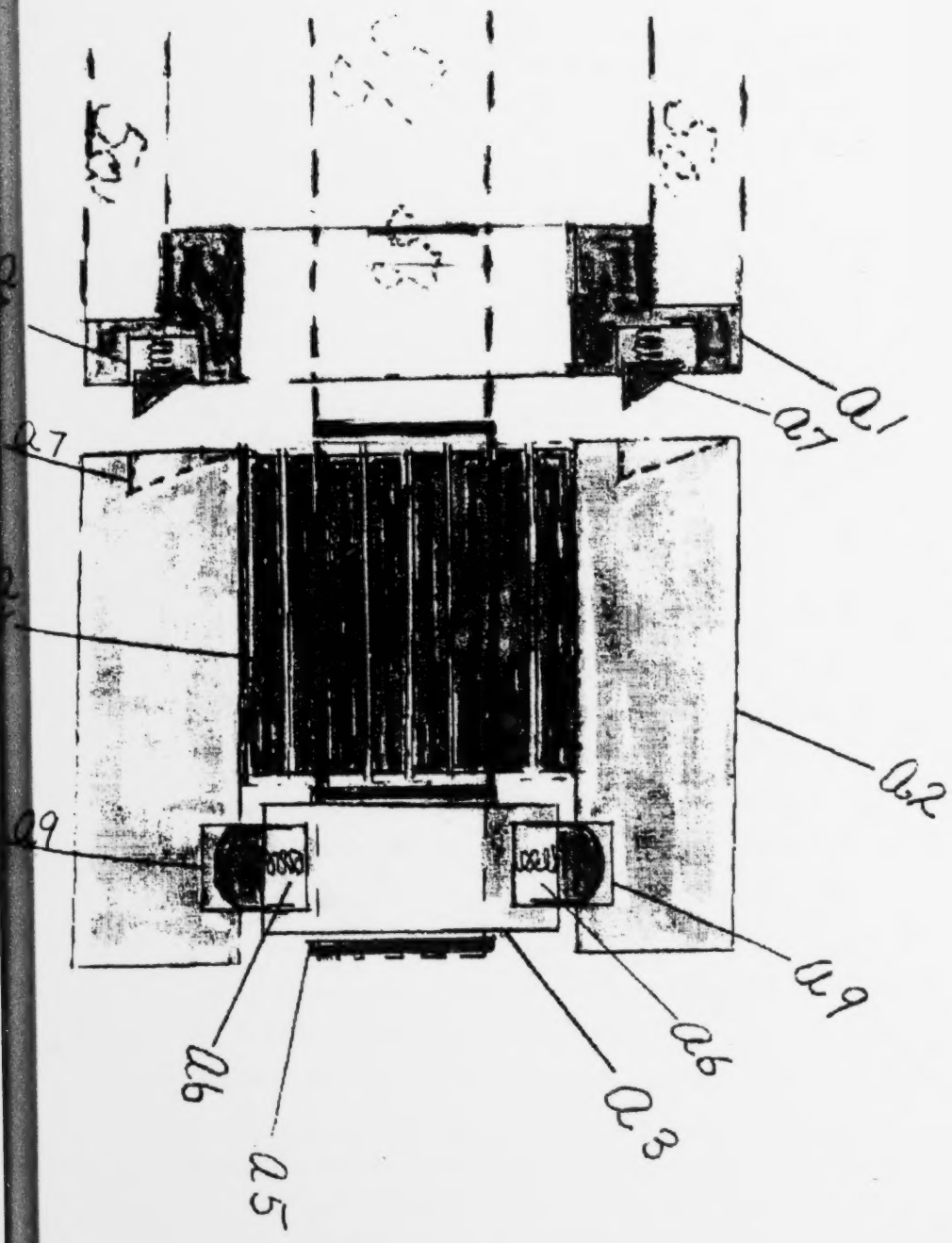
CIRCLE CYLINDER ENGINE

In a cylinder at combustion, the cylinder head & piston head recieve equal volume presure , the gears reduce at 20 to 1 advancing the forward direction hea



APPENDIX (k) a-35

Adapter for circle cylinder co-axle

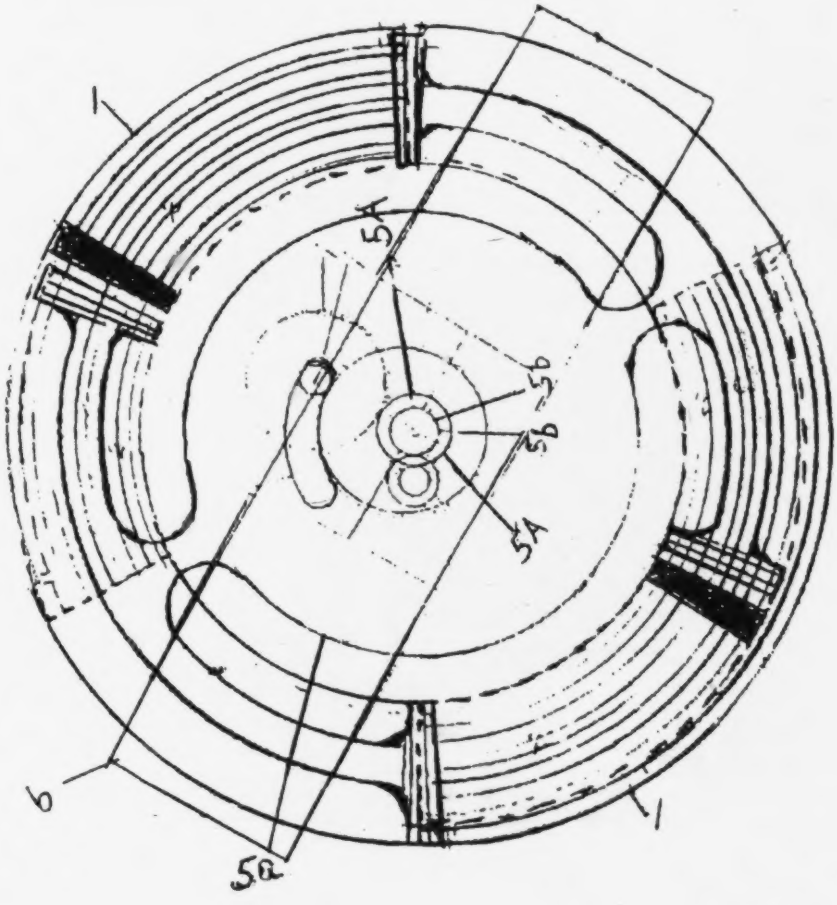


ADAPTS 5(B) & 5(A) AXLES
AS ONE AXLE

APPENDIX (K) a-36

CIRCLE CYLINDER ENGINE

showing engine motor mount 6, the inner donut co-axle both cylinder & piston, rotate in the same direction ! inner gears limiting rotation of ignited piston or ignited cylinder to 20 degrees, limiting un-ignited head side to 1 degree same direction ! which acts as combustion stop !



ON PAGE 6a YOU SAW A SIDE VIEW OF THE DONUT TUBE CIRCLE

cylinder engine. Motor mount 6, center co-axle 5b & confusing center WHEEL but outter co-axle 5a. Both axles with gears attached that act as combustion axle stops of approximately 1 degree for the un-ignited piston axle or outter donut tube cylinder axle !

UNITED STATES
PATENT & TRADEMARK OFFICE
UNITED STATES OF AMERICA

ARLIN EDWARD RANEY,
Petitioner

Patent case No.09/632,983 Art unit 3748

UNITED STATES OF AMERICA
Patent & Trademark Office Director,
And
Mr. John J. Vrablick, Patent , Respondents

Petitioner

APPEAL TO THE BOARD OF APPEALS
OF THE UNITED STATES PATENT OFFICE

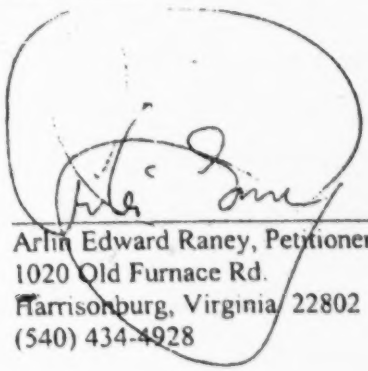
For immediate patent issue, based on PTO examiners rejection notice dated 3-11-02 (Mr. Vrablick) of the patent applicants amended patent application " Circle Cylinder Engine " dated 11-01-01 for reasons particularly out-lined on page 14 to Mr. Vrablick of the amended patent application, where applicant explained with drawings exception, applicant did the best he could to follow the PTO application direction, where applicant submits the 13 preceding pages speak for themselves. The very best the applicant can do !, where the applicant demands under the constitution, immediate patent issue saving only one exception to wit: Though applicant with minimum poverty level finances, applicant offers to the PTO office a extended week for the PTO office to draft a

application acceptable to the to the PTO (including drawings) The PTO feels proper for patent issue. where the applicants Arlington, Virginia presents is to (beyond any doubt) clarify what the applicant historically has been unable to do, clarify " ANY PATENT SPECIFIC ATIONS OR OPERATIONS ".

The PTO is respectfully requested to timely issue PTO intent with in 45 days of this appeal, where if not, appellant will file for order of " Mandamus " under the constitution to issue.

Date 3-26-2002

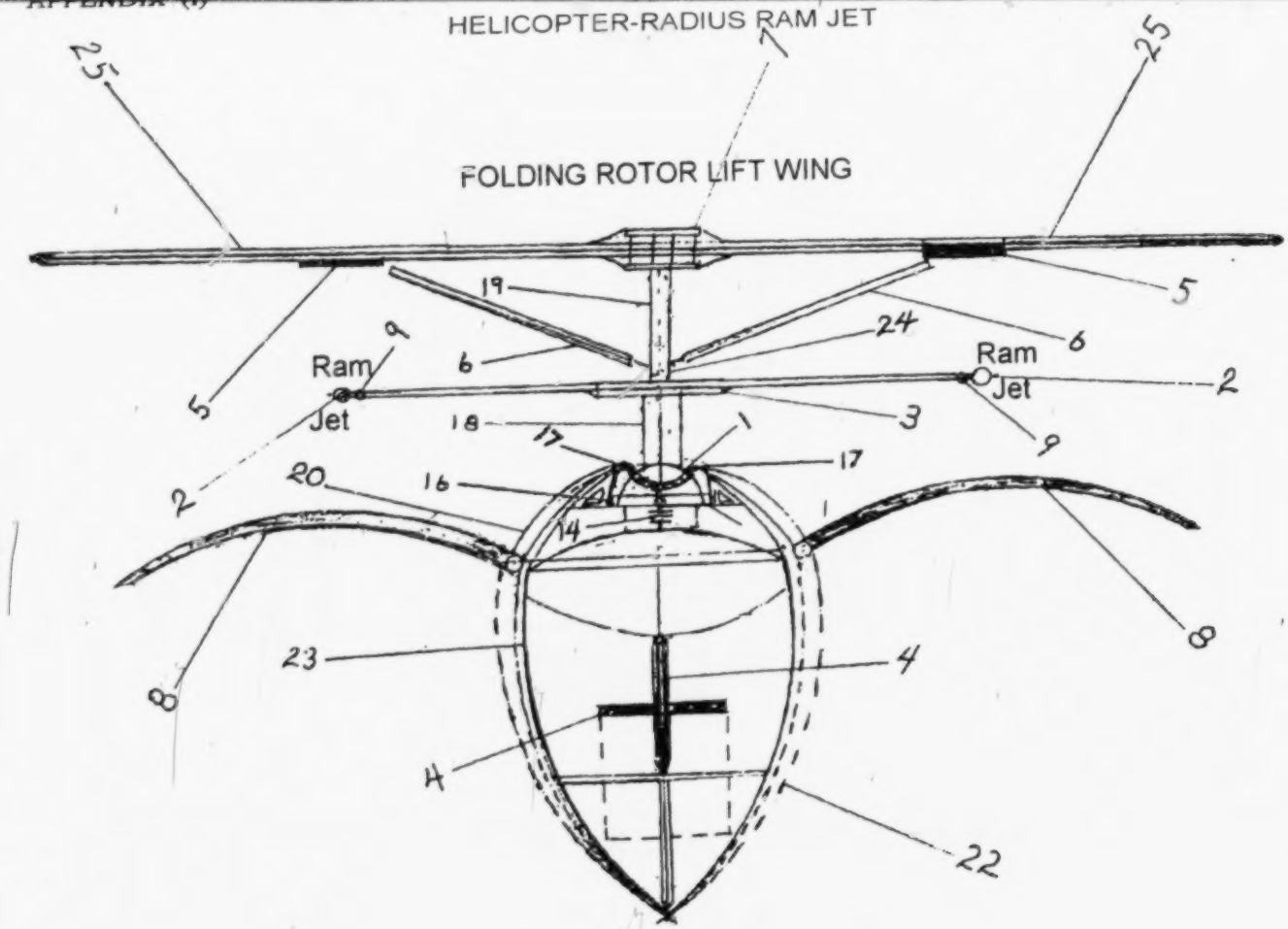
Respectfully,



Arlin Edward Raney, Petitioner appeal
1020 Old Furnace Rd.
Harrisonburg, Virginia 22802
(540) 434-4928

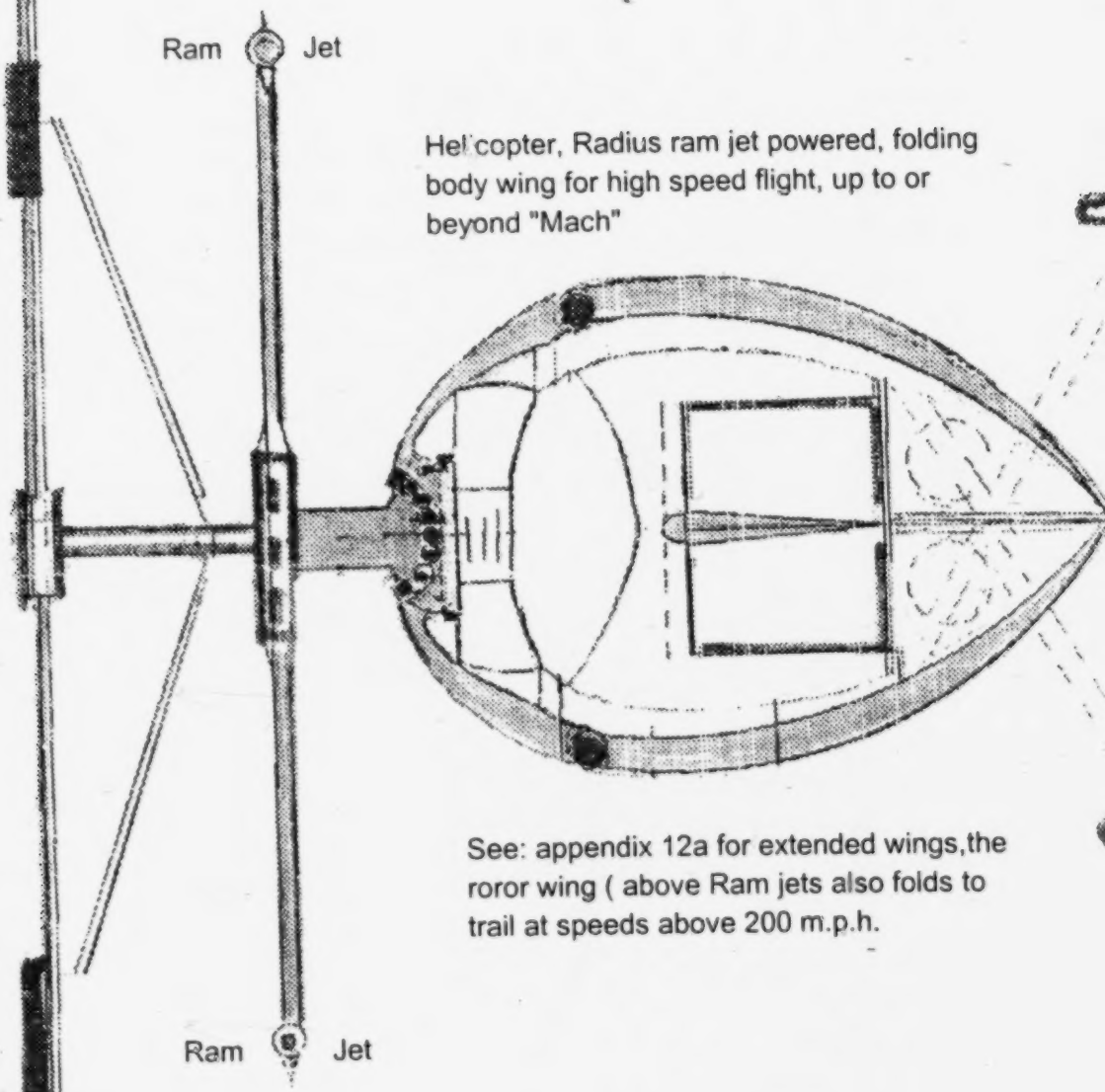
APPENDIX (I)

HELICOPTER-RADIUS RAM JET



Gear retracted wings extended
for high speed flight

Radius Ram Jet Helicopter

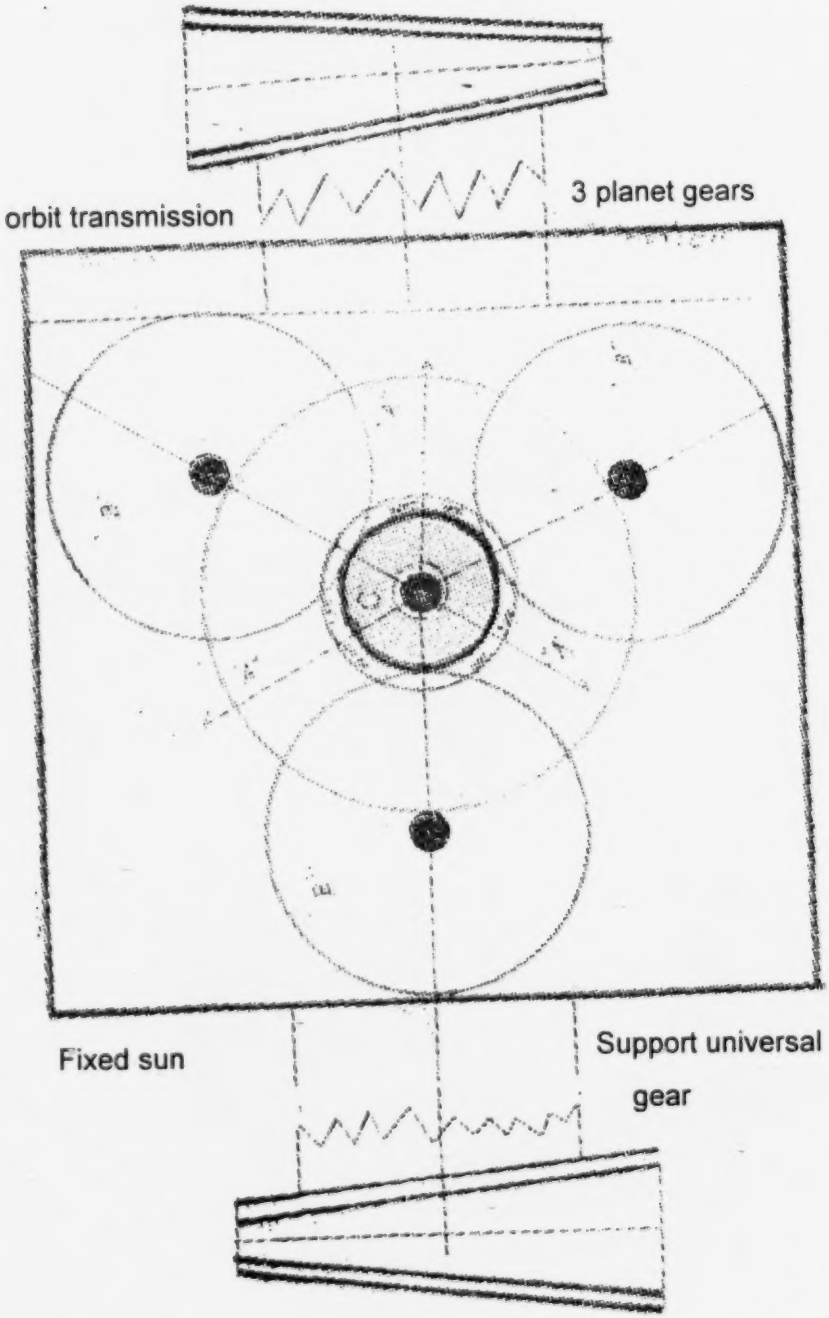


Helicopter, Radius ram jet powered, folding body wing for high speed flight, up to or beyond "Mach"

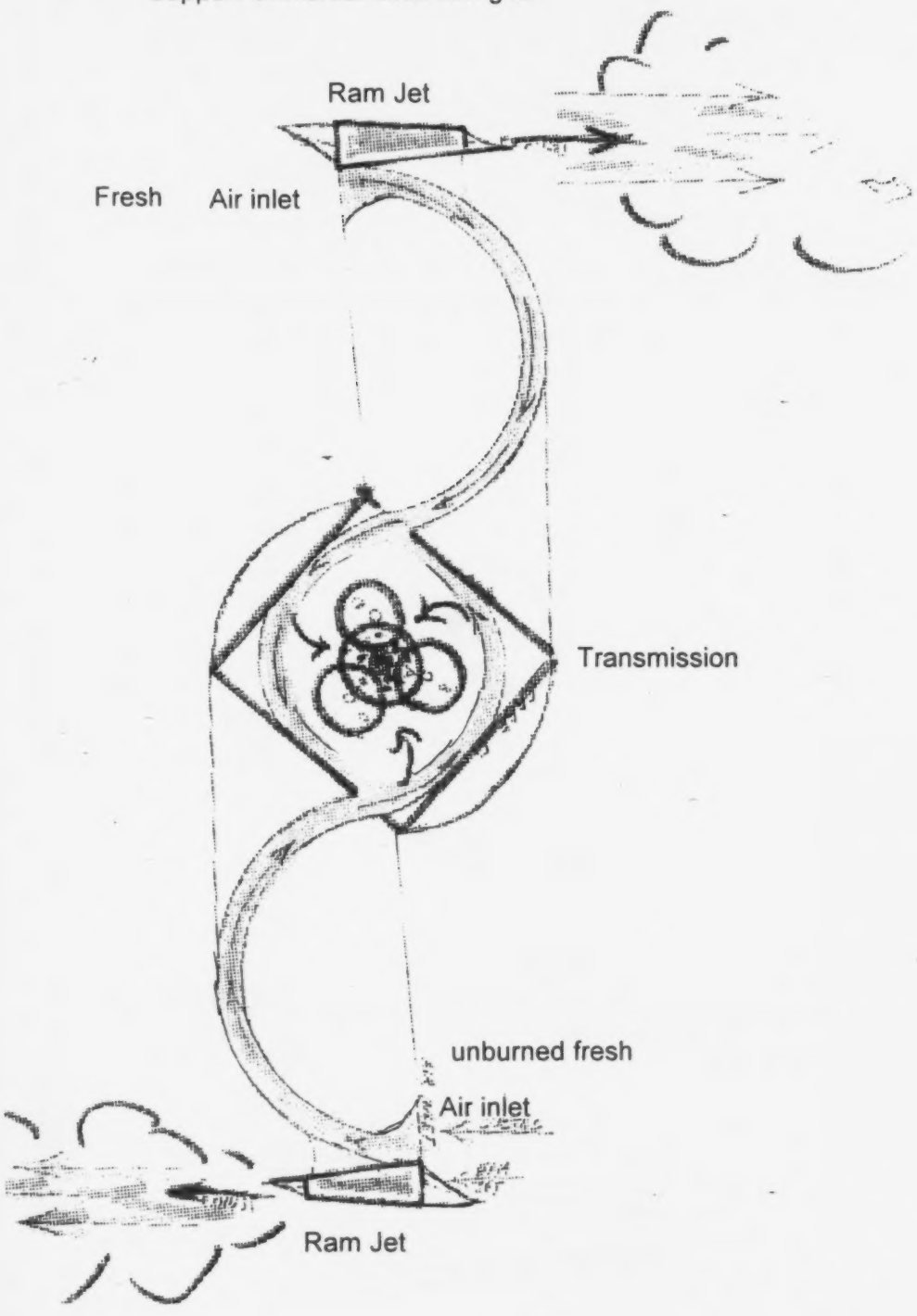
See: appendix 12a for extended wings,the roror wing (above Ram jets also folds to trail at speeds above 200 m.p.h.

APPENDIX (L) a-41

Radius Ram Jet Rotor Transmission,
Ram Jets have radius here of 7.5 feet
with upper lift wing, radius of 15 feet



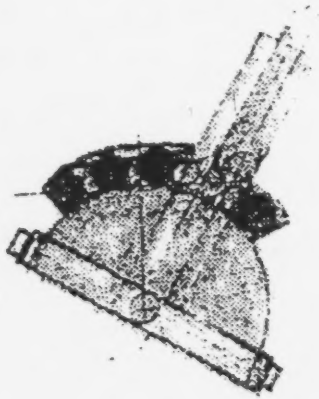
Radius Ram Jets , 7.5 feet radius from center line
Support Universal fixed sun gear



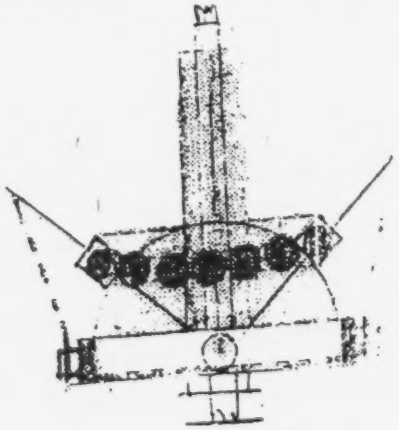
Support Universal will lift anything attached to, power steer it as "RADIUS RAM JET "

powered

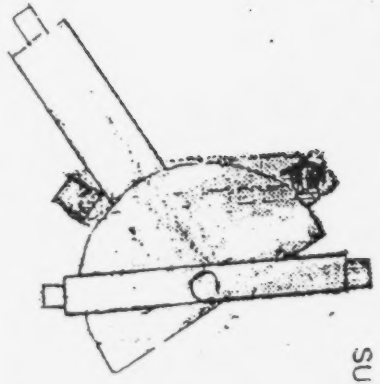
SUPPORT UNIVERSAL



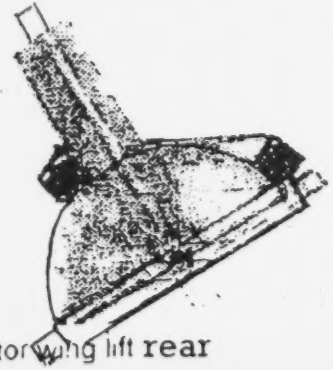
Rotor wing lift forward
Tilt Steer



FRONT or REAR

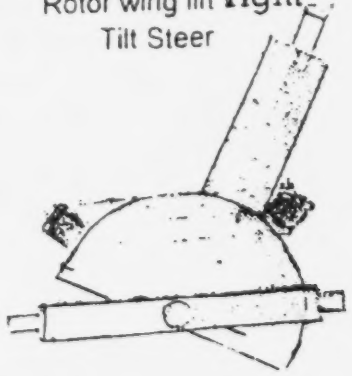


Rotor wing lift right
Tilt Steer



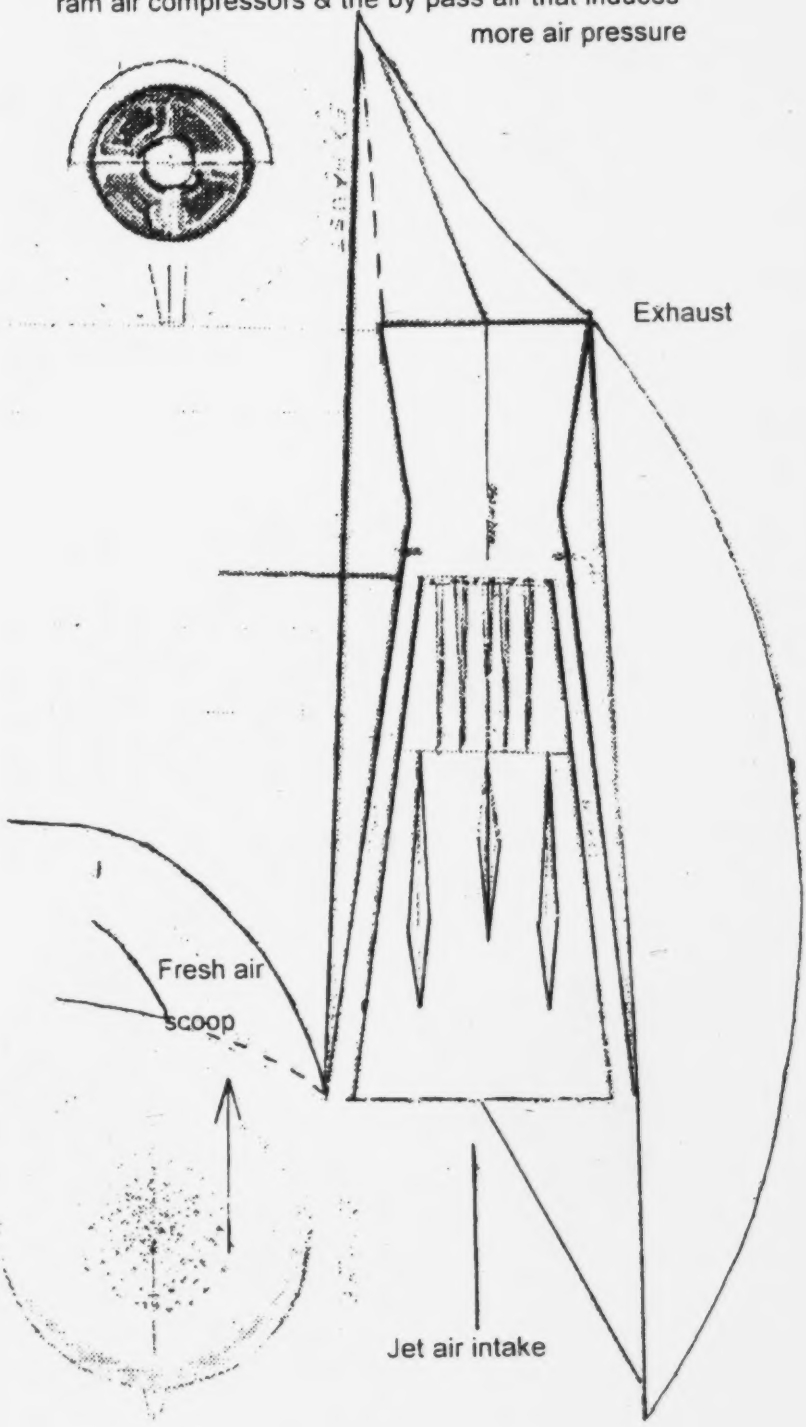
Rotor wing lift rear

Tilt steer can point
360 degrees, the rotor
lift wing pitch is controlled
by rotor axle inner shaft



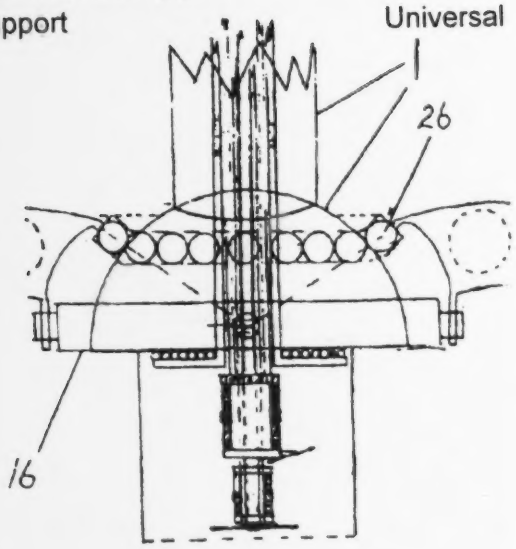
Rotor wing left rear

Ram Jet as located at 7.5 tip radius. Note the pencil ram air compressors & the by pass air that induces more air pressure

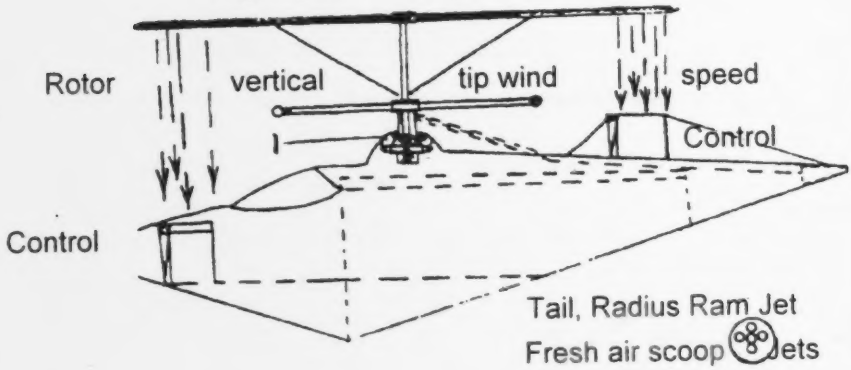


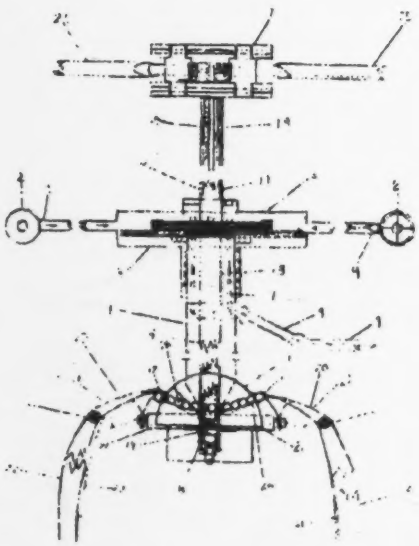
APPENDIX (L) a-45

Support Universal



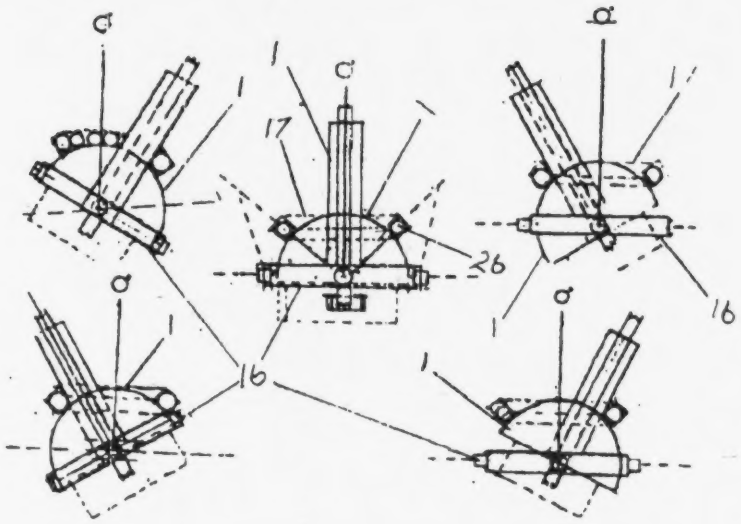
High speed helicopter fighter



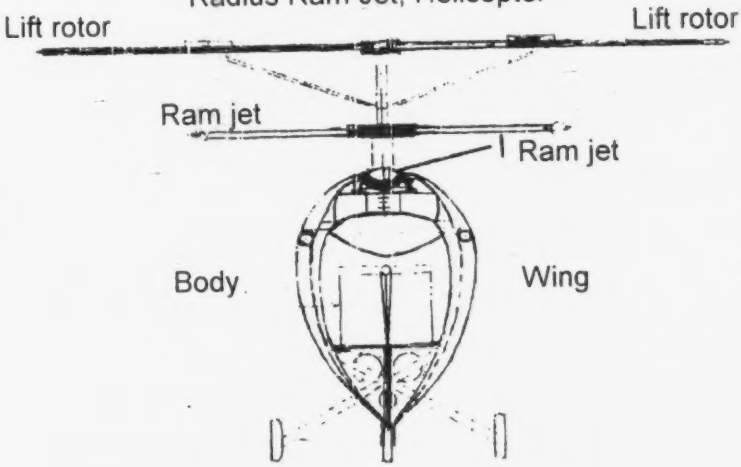


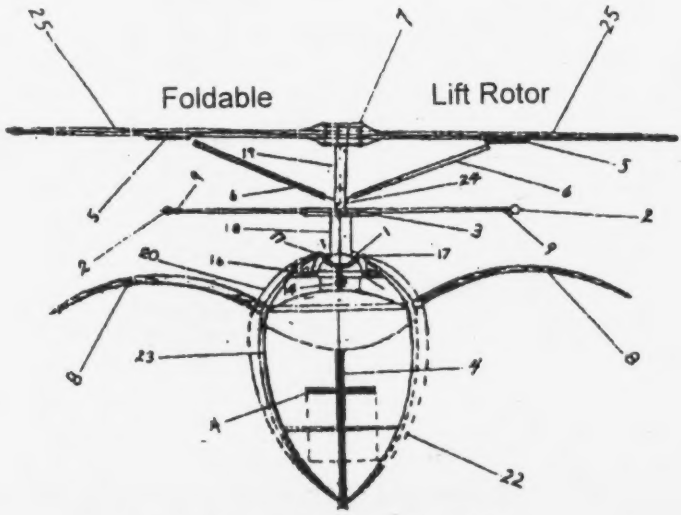
Numerical Radius Ram Jet Composit

support universal, 360 degree direction control



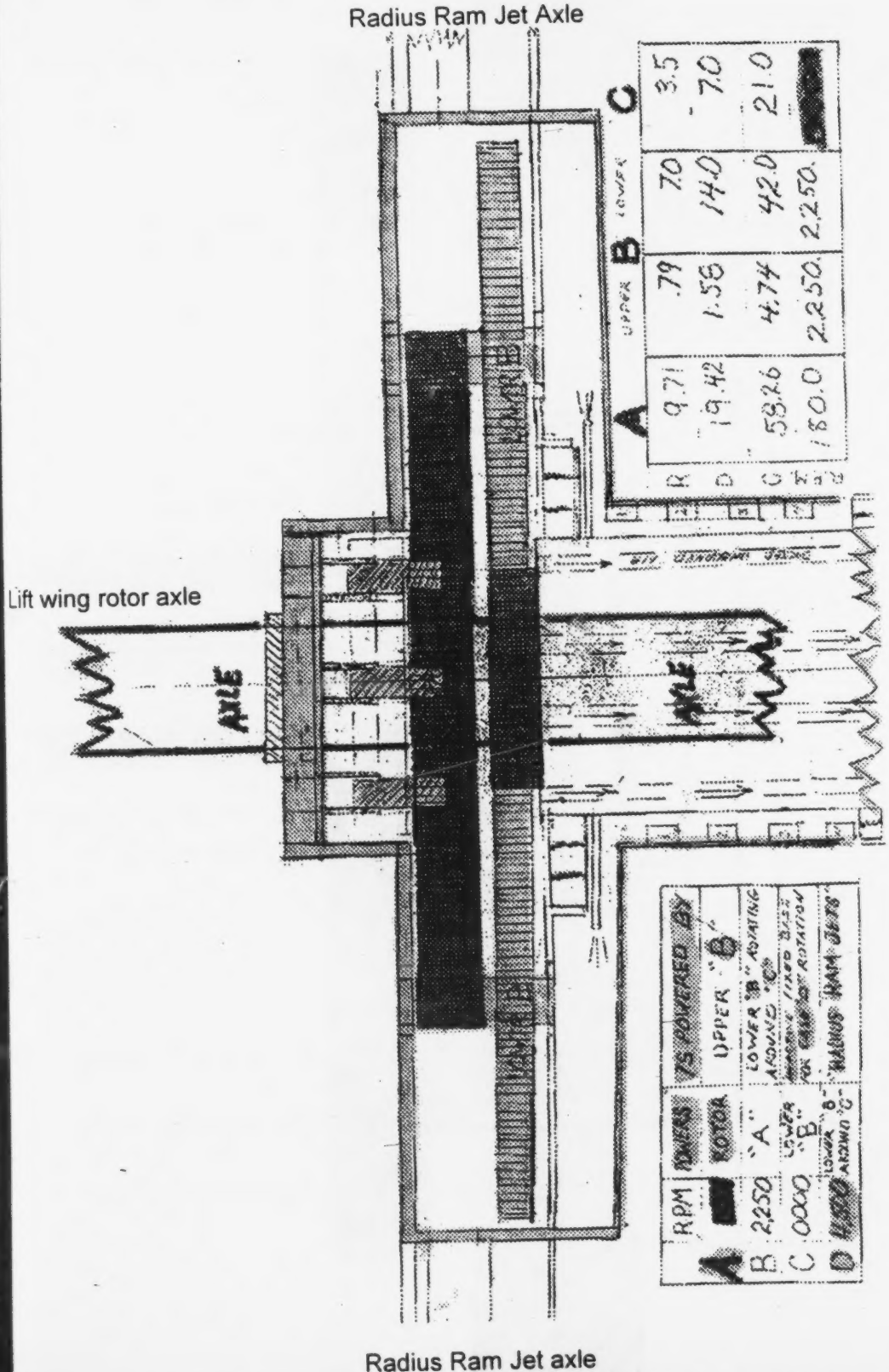
Radius Ram Jet, Helicopter





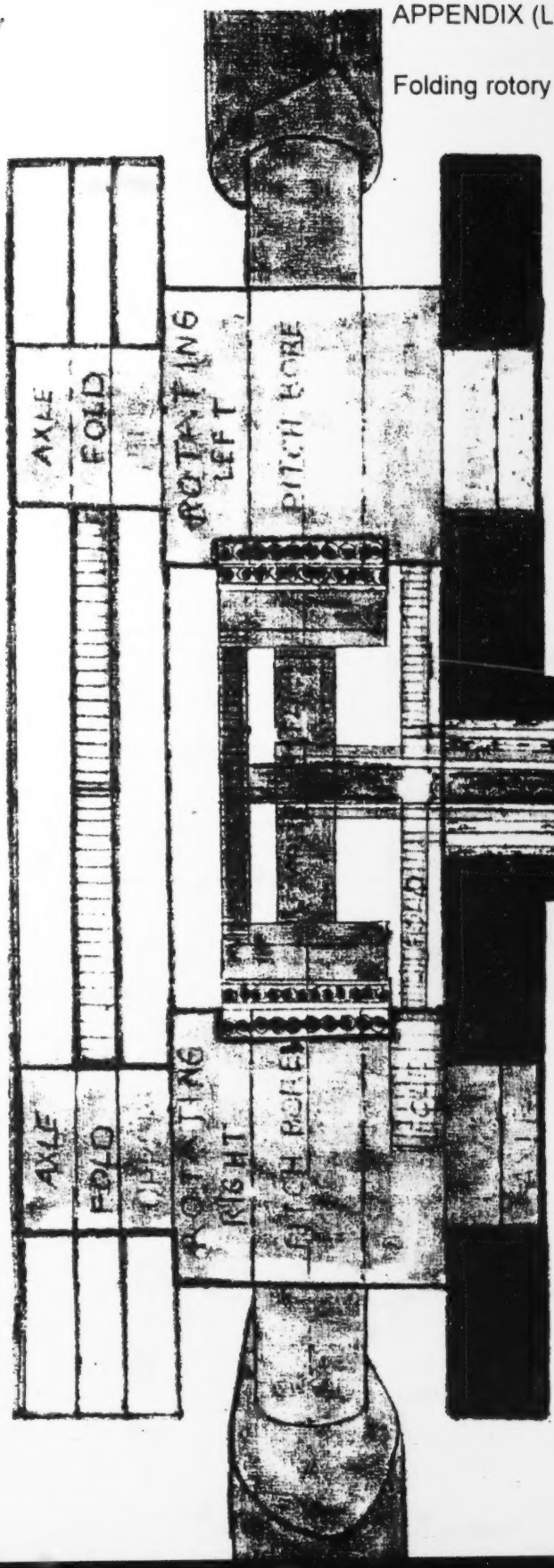
Numerical part indentification

AMBIENT TRANSMISSION



APPENDIX (L) a-48

Folding rotory lift wing " HUB "



Rotor Axle

Inside , pitch,fold control
pipe to cockpit

UNITED STATES PATENT &
TRADEMARK OFFICE
USA

Arlin Edward Raney
Applicant, petitioner,

v. Patent case No. 09/435,477, Art unit 3641
TITLE
Helicopter, Rotary Wing Aircraft

United States of America,
Patent & Trademark Office Director
Appellee Respondent
Geo. L Steele, Patent examiner

PETITIONER

APPEAL TO THE BOARD OF APPEALS
OF THE UNITED STATES PATENT OFFICE

For the issuance of 15 patents petitioner applied for on date 7-14-1999, petitioner states, he is **holding absolute proof** , that his 7-14-99 dated patent application was received by the patent & Trademark Office that was **claimed never received** by the patent office this board should find in the patent records, if not, the petitioner will by Letter of request from the board of appeals re-submit. Petitioner states the patent office improperly claimed petitioners patent application was not accompanied by sworn oath. Petitioner states the

patent office has improperly claimed petitioner made **no claim** or claims of a patent claim where **petitioner had claimed 15** patent claims in his original patent office patent application the patent office did receive on date 7-18-1999 , even worked on, the patent office falsely claimed the office had never received. Petitioner states , the application was filed by recorded US certified mail, return receipt on date 7-14-1999. Petitioner claims the patent & trademark office never stipulated petitioner could only submit one patent invention claim per application, petitioner claims the United States Patent & Trademark Office on September 19, 2000, team ; OIPE, Title, Helicopter rotary wing (small entity) acknowledged a petitioners application No. 09/435,477, improperly recording a filing date of 1-20-2000, art unit 3641, drawings 46, total claims 15, filing receipt **0C000000005411009** where if not diligently worked on by Ms. Teresa Williams, would have NO DATE at all, and to this date has never indicated the patent application for 15 patents should have

been LESS than fifteen patents. Where it is obvious to the world the applicant **did not invent the Helicopter** and where the applicant in his original application **(in the applicants claims)** acknowledged this fact, claiming 15 patentable innovative unique helicopter innovations including other novel useful patents the patent office has denied the inventor, guaranteed by the USA constitution, the patent office demeaning the USA constitution purpose, that each USA citizen is constitutionally guaranteed the patent office has permitted to be judicially destroyed by the federal judicial system that has promulgated multiple volumes of ridiculous patent & trademark office " application " statute laws, rules, regulations that has no validity bearing of patent function, all interpreted by the patent office ill informed " constitution purpose " personel including even the appeal process applicant liaison Mr. Dale Shaw, 703 –308-9797 (a very nice man) who sadly believes a patent applicant needs a attorney to get a patent who quoted the applicant the analogy if your

car is broke (needs fixing) you get a mechanic ! What makes Mr. Shaw believe the patents claimed in any patent application is broke? even if the patent claimed will not work, this is a question of function or record, never a legal question unless infringed, when it is the ridiculous statutes, rules, regulations (inventors know not) inhibiting, impacting, even prohibiting inventors patent applications, prejudicing inventors ideas as biased by judicial infringement. The great American constitution citizen patent asset is destroyed by judicial un-necessary patent application rules, regulations, infringements that destroys the patent system while **subsidizing the federal legal profession** , patents that are sorely needed by the USA reciprocal balance in international commece trade economic situation this " BOARD OD APPEALS " must first come to recognize , rectiy regarding all patent applications, including this applicants 15 helicopter invention application that is sorely neede by the United States present ongoing military type operations as in

afganistan, " if it works ", where there is no doubt in the applicants mind that it will and there is not one statute, not one rule not one regulation that can say it does not work or can or can not work as as opposed to the reality state of the art engineer or those creatively involved in the manufacture/operation state of the art. The petitioner believes the patent & trademark office has lost sight of the patent office purpose, to support the application for patent, to promote the USA citizen to make application for patent, to keep accurate records and bonifide patent searches, with-out fees as guaranteed by the USA constitutions to its citizens. Where does it say a mere patent application or a mere patent search should cost $480.00 or even to have the patent office issue a patent that so greatly benefits our country, where the USA people are the final beneficiaries as our constitution envisioned & in that the initial employment beneficiaries when the patent works ! and when used by the American general public and when used by our national business

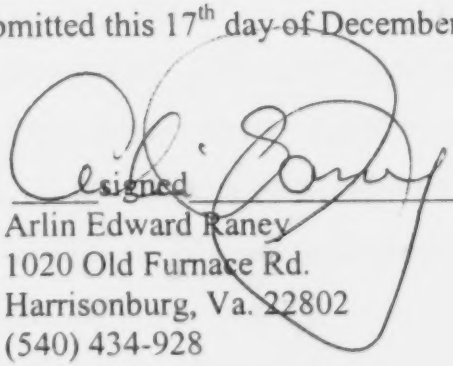
competition or improving our disappointing USA world competitive commerce position that this board of appeals petitioner sincerely believes the patent & trademark office is infected with built in inefficiency that is severely infested with unproductive, unquestionably negative, ambiguous federal patent application statutes, rules & regulations, manifesting judicial waist, judicial improbity , patent & trademark office recommending lawyer use to obtain a patent that impacts if not destroys constitutional guarantees, where the federal purpose of the of the patent & trademark office is to honor the USA constitution patent issue guarantee, to promote patents, to protect patents for the citizens benefit, just as freedom of speech protection or any other USA constitution guarantee, which is the USA federal government that under the constitution created this " Department Of Commerce " Patent & Trademark Office to guarantee citizens patents, not impact, accordingly this applicant for 15 patents requests the patent & trademark to issue the 15 patents

the applicant has applied for, realistically cooperated with the office to obtain by submitting reapplications to Ms Middleton to Ms. Teresa Williams, wrote Mr. Menneta, Mr. Green, followed Mr. George Steeles twice request to applicant that he was going to issue applicant a single patent for the " UNIVERSAL SUPPORT ", to lets keep it simple, then we would work on the others, where the applicant reapplied the application dated February 15, 2000 (enclosed) which Mr. Steele stated we were back to day one , you must keep it simple where applicant mailed in another application to Mr. Steele , claiming foul ball to Mr. Steele dated March 27, 2001 also enclosed, where applicant demanded (page 6) that Mr. Steele issue the patent Mr. Steele falsely promised , requesting Mr. Steele to explain if not issued to explain why not !, where Mr. Steele NEVER ANSWERED , which the applicant brings to the board of appeals attention as the first appeal by this patent applicant to the PTO office dated 3-27-2001 that this office NEVER ANSWERED

as probably never relayed to this appeal board, never the less patent applicant repeats his demand for 15 patents as per the applicants original 15 patent application that this office has repeatedly delayed for over two years regarding ridiculous federal statutes, rules, regulations or please repeat those ridiculous reasons for denial so the applicant can proceed up to the pendent constitution delay trial of appeal, the Washington D.C. court of appeals on to the Supreme Court of the United States where there is only a .003 chance of review regarding any issue, however appellant is an inventor, plans this issue finally will go to the congress legislative law makers who will by special bill fix this broken department of commerce constitution tragedy that is a total miscarriage of justice to the people and this applicant who also has application for a rotary circle cylinder internal combustion engine, with-out reciprocating that is a supper contribution by this patent applicant to the people of our great nation hopefully the patent & trademark office together with

Mr. Mennetta will fix the system eliminating further appeal that should never have patent & trademark office developed necessary you may wish to investigate Mr. John Vrablick (patent examiner) who has been very helpful sharing with applicant past rotary engine patents from 1906 where no one involved in the applicants 15 Helicopter pendent patent issue has disgracefully bothered to share that essential information.

Most respectfully submitted this 17th day of December 2001



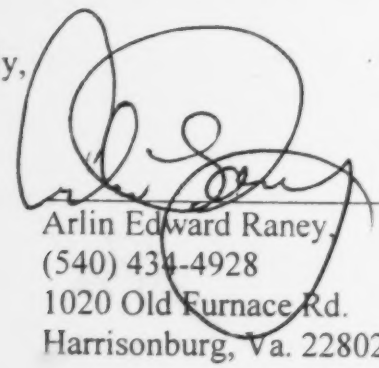
signed
Arlin Edward Raney
1020 Old Furnace Rd.
Harrisonburg, Va. 22802
(540) 434-928

Dear Senator: **RE: Federal Patent & Trademark Office Dysfunction**

Enclosed is a copy of my Supreme Court request for "Certiorari" , a appeal meaning to send up the record of alleged court error, I filed four times, the federal courts 4 times failed to enforce the 1786 congressional law that empowered the Supreme Court, our law of the land, to establish inferior courts " US District Courts to enforce law, citizens guarantees as Article 1, Section 8, Clause 8, " The Copy Right & Patent Law " you legislated , to establish inferior courts to enforce law, not to usurp legislated law by local rules & regulations, never legislated, that should warn you, each court is dangerously vested with lifetime bureaucratic tenure, failing the clearest simple issue, a citizen patent. This is America, declaration of independence, our constitution, the bill of rights, FREEDOM, JUSTICE FOR ALL, the supreme court established LIFETIME TENURE inferior courts , failed to enforce including legislated " MANDAMUS LAW ", in four US Dist. Court filings, with the (RBW) FEDERAL Court and the Patent Office both recommending bureaucratic expansion, (to get an attorney), to obtain a constitution Guarantee & all 100 senators are lifetime tenure helpless, you can not legally interfere with the court & should not be able to!, perhaps, a constitution amendment warning is in order to eliminate failed lifetime tenure, perhaps, to consider to eliminate executive judge

Appointment in favor of people common law election with maximum four year term, law being a moral concept, should eliminate attorneys eligibility, who not unlike campaigning office holders or seekers make exaggerated allegations, excepting attorneys are " morally un-educated to immorally persuade if not prevaricate for large CLIENT COMPLAINT or DEFENSE FEES, where the best manipulator, persuader, if not prevaricator Is graduated to judgeship. Read this " CERTIORARI " & affirm Petitioner SIMPLY INVENTED THE " SWING CYLINDER ENGINE " solely to PROVE to Virginia SENATOR< MR> GEORGE ALLEN, the Patent & Trademark Office is broke, the PTO Office promptly proved, by demanding $230.00 over the $380.00 (APPLICATION FEE to avoid PTO THREATENED PATENT ABANDONMET!

Sincerely,



cc/100 federal senators

Arlin Edward Raney,
(540) 434-4928
1020 Old Furnace Rd.
Harrisonburg, Va. 22802

JOHN McCAIN
ARIZONA

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
COMMITTEE ON ARMED SERVICES
COMMITTEE ON INDIAN AFFAIRS

United States Senate

241 RUSSELL SENATE OFFICE BU
WASHINGTON, DC 20510-03
(202) 224-2235

4450 SOUTH RURAL ROAD
SUITE B-130
TEMPE, AZ 85282
(480) 897-6289

2400 EAST ARIZONA
BILTMORE CIRCLE
SUITE 1150
PHOENIX, AZ 85016
(602) 952-2410

450 WEST PASEO REDONDO
SUITE 200
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPA
(202) 224-7132
(602) 952-0170

June 13, 2003

Arlin Edward Raney
1020 Old Furnace Road
Harrisonburg, VA 22802

Dear Arlin:

Thank you for contacting me regarding problems with the Federal Patent and Trademark Office. I would very much like be of assistance.

However, it is the customary practice of the U.S. Senate allow a Senator from the constituent's home state to assist h or her. Therefore, I have forwarded your correspondence to Senator John Warner. I am confident that he will provide you with the appropriate assistance.

Again, thank you for contacting me. I hope your situati can be favorably resolved.

Sincerely,

John McCain
United States Senator

JM/xkg

Supreme Court, U.S.
FILED

03 316 MAY 17 2003

NO.

In The
Supreme Court Of The United States

October Term 2002

ARLIN EDWARD RANEY, Petitioner

vs

UNITED STATES PATENT & TRADEMARK OFFICE, Respondents
Mr. Geo. Steele & Mr. T. Collins, Patent examiners

Counsel for appellant,
United States Attorney for the Dist. Of Columbia,
Mr. Roscoe C. Howard,
Mr. David J. Ball, Jr. Ast. U.S. Attny. of counsel
Judiciary Center, 555 Fourth St. N.W.
Washington, D.C. 20530
(202) 307-0299

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District Of Columbia Circuit

SUPPLEMENTAL APPENDIX

Arlin Edward Raney, Pro-se
1020 Old Furnace Rd.
Harrisonburg, Va. 22802
(540) 434-4928

14 pp

SUPPLEMEMTAL INDEX

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Statement of the supplemental facts.....1

Order U. S. Ct. of Appeals for the **Federal Circuit**.....s.a-**1**

Order dated March 21, 2003.....s.a-**3**

Mr. Atkins phone request, Raney, submit a supplemental.....

Appendix, Raney erro'neously believed, unpublished, dated ...

3-21-2003 , by, The UNITED STATES COURT of APPEALS....

For THE **DISTRICT of COLUMBIA CIRCUIT**.....s.a-**5**

Note, to Raney, dated 12-26-2002, from The United States ....

Court of Appeals, for the District of Columbia Circuit.....

stating, **Pro-Se, entitled to less restrictive**.....s.a-7

Mr. Atkins, Chief Deputy Clerk request for **second**.....

supplemental appendix.....s. a-**8**

STATEMENT OF THE SUPPLEMENTAL FACT

Raney petitioner had filed three complete " Certiorari " Patent petitions, all Returned by, Ms. Sandra Elliott Spagnolo, AKA, Chief Deputy Clerk, Mr. Jeff Atkins, assistant, point being, prior to Raney filing a "Supplemental Appendix " dated 7-31-2003 , phone requested by Chief deputy clerk, Mr. Atkins on date 7-30-2003 (one day after filed), Raney made two trips to the Supreme Ct., (not to seek legal advice), requesting clerk petition correction where needed. (, Patent petitioner Raney **is dyslex'ic**, as was Mr. Henry Ford, Mr. Albert Einstein, Mr. Winston Churchill,) Raney, a slow interpretive reader, requesting the S. Ct. clerk office to go over Mr. Raney's finished certiorari petition, (page by page) to mark corrections necessary for docketing, Mr. Atkins looked at, explained the orders should be located front, first part, the print should be vertical, excepting the patent drawings, could be

perpendicular. After Raney corrections, Mr. Atkins was called requesting inspection of the corrections, Mr. Atkins explaining, Raney should arrive without appointment, first request Ms. Spagnolo inspection & should Ms. Spagnolo refuse to inspect, Mr. Atkins would !, Mr. Raney, arriving, requested, Ms. Spagnolo inspect the corrected petition, she did, never mentioning, the petition should contain the March 21, 2003, Supp: s.a-3 order herein, and after filing **rejected** Raney, 60 page, forty petition documents, for **the third time** as NOT CONTAINING THE MARCH 21, 2003 Order, Supplemental Appendix s. a-3, herein, (U. S. Ct. of Appeals), Mr. Raney erroneously complained, he never received. Fact is, This transfer order, **precipitated** , Raney Supreme Court patent appeal, see Supplemental Appendix s. a-1 order from the USA Court of Appeals for the Federal Circuit, as Raney had suffered 4, USA Dist. Ct.

Appeals, 3, (PTO) Patent & Trademark patent appeals, seven appeals, The forth appeal, the RBW court finally taking action, issuing a " Mandamus show cause order " the PTO failed to timely answer, the RBW court setting the action for jury trial, holding the action for nine months & on the 18th. day cancelled the 20th. preliminary trial day hearing with order to dismiss Mandamus. Raney immediately appealed to the United States Court of Appeals, for The Dist. of Columbia Circuit, see: Supplemental Appendix s. a-5 herein, see appendix a-12 & a-9, PTO , request to transfer patent petition to a 8th appeal, being the fifth Federal Court, where Raney, upon order notice, **Obvious to Raney** , lost patients, immediately filed appeal to the Supreme Court, " APPEALING THE RBW MANDAMUS ORDER " contrary to Article 1, sec. 8, clause 8, citizen constitution guarantee, Not a transfer from one court to another, " FURTHER " if four US District courts claiming the US District court for the District of Columbia all determined that court had jurisdiction & the RBW court

holding the action for trial, certainly indicates, if these courts are in jurisdiction error, then Raney petitioner is entitled as is the other 300 million USA citizens, entitled to have a US Supreme Court , Constitution Determination.,

Respectfully submitted this 22nd. Day of August, 2003, 2 days after Mr. Atkins second supplemental appendix request.

_____signed_____
Arlin Edward Raney, petitioner
1020 Old Furnace Rd.
Harrisonburg, Virginia 22802
(540) 434-4928

NOTE: Pursuant to Fed. Cir. R. 47.6, this order is
Not citable as precedent. It is a public order

United States Court of Appeals for the Federal Circuit
03-1332

ARLIN EDWARD RANEY
Plaintiff –Appellant.

v.

UNITED STATES,
JANES E. ROGAN, Director, Patent and Trademark Office
GEORGE L. STEELE, Patent examiner,
And TIMOTHY D. COLLINS,
appeal Patent Application Examiner
Defendants-Appellees.

ON MOTION

Befor RADER, GAJARSA, and LINN, Circuit Judges.

RADER, Circuit Judge.

ORDER

We treat the documents filed by Arlin E. Raney as a motion to voluntarily dismiss his appeal which was docketed by this court.

This appeal is one transferred by the United States Court of Appeals for the District of Columbia Circuit. In the documents,

Raney states, " I am sorry do not docked this what ever it is....I am Appealing to the Supreme Court Ct. of USA" On an informal brief form, Raney indicates that he does not wish to file a brief in this court.

Accordingly,

IT IS ORDERED THAT:

(1) Raney's motion is granted and this appeal is dismissed.

(2) Each side shall bear its own costs.

FOR THE COURT

7-30-03
Date

SIGNED
Randall R. Rader
Circuit Judge

S8

ISSUED AS A MANDATE: JULY 31,2003

Filed
US Court of Appeals for the
Federal Circuit JUL 31 2003
JAN HORBALY
CLERK

United States Court of Appeals

For The District of Columbia Circuit

NO. 02-5409 **September Term, 2002**

Arlin E. Raney,
Appellant

v.

United States of America, et al.
Appellees

Filed On:
March 21, 2003
Clerk

BEFORE: Ginsburg, Chief Judge, and Randolph and Rodgers Circuit Judges

ORDER

Upon consideration of the motion to transfer and the response thereto,

It is

ORDERED that the transfer be granted. Pursuant to 28 U.S.C. & 1295 The Federal Circuit has exclusive jurisdiction over appeals arising under 28 U.S.C. Sec. 1338 which grants jurisdiction over cases " relating to patents "

The Clerk is directed to transmit the original file and certified copy of this order

To the United States Court for the Federal Circuit.

PER CURIAM

Initialed

DG.
MER
JWR

SUPPLEMENTAL APPENDIX s.a-1

Certiorari Petitioner Raney was requested on date 7-30-03 to make a " Supplemental Appendix " addition of a alleged " UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT [No. 02-5409 (C.A. No. 02-431), [ORDER_DATED 3-21-03] .

No Order Existed, by that court or any court of appeals except (RBW) CA No.02-0431order as appealed to that court dated 3-18-02, as Certiorari submitted on appendix page a-1, to wit:

The S. Ct. Forum is requested to review Appendix a-1, (RBW) CA 02-0431order, filed dated March 18, 2002 **(Show Cause Order)** and the (RBW) COLATERAL JUDGEMENT ORDER, filed on date November 18, 2002 as copied at Appendix a-7 & a-8, with (RBW) order, **"Memorandum"** dated Nov. 18, 2003 in between, four pages, a-7 $^{1/8}$, a-7 ^{½} , a-7 $^{5/8}$, a-7 ^{¼} . Appealed to The

Supreme Court Raney requested " CERTIORARI " as a article **1**, Section **8**, Clause **8**, USA Constitution [**Grievance**].

For reasons Raney noted to the United States Court of Appeals for The District of Columbia, **Appendix (C) a-12**, regarding The Patent & Trademark Office (PTO), **Appendix, (B) a-9**, belated request to transfer The United States Court of Appeals for The District of Columbia , **" APPEAL "** for the 7th. time to a court of appeals for the Federal Circuit.

Respectfully supplemental appendix submitted,

7-31-2003

_____signed_____

Arlin E. Raney, Petitioner
1020 Old Furnace Rd.
Harrisonburg, Virginia 22802
(540) 434-4928

UNIED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

.....

NO. 02-5409

September Term, 2002
Dist. Ct. No. 02cv00431
File 12-26-2002
CLERK

N O T I C E

Decisions of The Supreme Court of The United States and of this Court have held that individuals representing themselves who are not Attorney are entitled to have their pleadings viewed in a less restrictive manner than pleadings submitted by attorneys

Notice Pro-se (August 1996)

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543-0001

Arlin Edward Raney

RE: Raney v. U.S. Patent & Trademark Office

Dear Mr. Raney:

The above-entitled petition for a writ of certiorari was originally postmarked May 17, 2003 & received again on Aug. 5, 2003. The supplemental appendix you have submitted is herewith returned.

The supplemental appendix does not contain the March 21, 2003 order of the United States Court of Appeals for the Dist. of Col. No 02-5409. Kindly correct the supplemental appendix so that it complies with the rules of this court & return it to this office promptly so that the petition may be docketed. Rule 14.1 (i) (i).

Please note that the May 28, 2003 correspondence states that the corrected petition must be receive by this office within 60 days of the date of the letter , or the petition will not be filed, rule 14.5.

Sincerely, W. K. Sutter, Clerk by: Jeffrey Atkins, Signed

NO. 3 03-316

Supreme Court, U.S.
FILED
NOV 3
[redacted] - 2003
OFFICE OF THE CLERK

In The
Supreme Court of the United States

Arlin Edward Raney, Petitioner

v.

United States Patent & Trademark Office, et. al,
Mr. Geo. Steele & Mr. T. Collins, Respondents

Counsel for appellants,
United States Attorney for the Dist. 0f Coulmbia
Mr. Roscoe C. Hpward,
Mr. David J. Ball, jr. Ast. U.S. Attorney of counsel
Judiciary Center, 555 Fourth St. N. W.
Washington, D. C. 20530
(202) 307-0299

On petition for a writ of Certiorari to
The United States Court of Appeals
for the District of Columbia Circuit

PETITION FOR REHEARING

Arlin Ed. Raney, pro-se * .
1020 Old Furnace Rd.
Harrisonburg, Virginia 22802
(540) 434-4928 .

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2. PTO Board waived right to appeal fee or right to objection of patent issue 2

3. **Appellate jurisdiction**, choice, Article 3, section 1, & 2.....3

4. Mandamus constitution failure 3

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U.S. District Court Of Appeals for the District Of Columbia Circuit, Notice Rule 22.1.....1-4

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(1) Raney's Motion is granted, " I am appealing to the Supreme Court of the U.S.A.....4

United States Constitution Guarantee's,

Article 1, section 8, clause 8 " PATENTS",.....1

Supreme Court Digest 3 & 4, " Patents ",

Section 1. Encourage or Induce,

(G v. C., 412 US 546).....2

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page

Section 3, Patent Office is established to promote progress of Science, (S. v. F. , 373 US 379)……..…2

Section 3, it is the **DUTY** of the **patent office** & *the courts* To give full effect to the constitution standard (G v. J.D., 385 US 1)…(3) of page……..……...3

Section 5, combining 2 or more patents *may be included*, In one set of letters (H. v. E.,HOW 437), (L v. T. 213 US 301)……..……1

Section 136, **" Remedy "** for refusal to issue is **" MAMDAMUS " to compel issuance, 50, 60……...1**

Section 136, "When a patent claim is **rejected,** a *APPEAL & NOT* a application for reissue, IS PROPER, (M. v. H., 112 US 354)……..……3-4

Article 3, sec. 1 & 2, JURISDICTION……3

INTRODUCTION

Rehearing petitioner Raney filed for **15** patents, in one letter 7-14-1999, by certified US mail, Z-023-194-465, the PTO (patent & trademark office) **failed** to acknowledge until 1-20-2000, after repeated Raney complaints. Helicopter No. 09/435,477, fee paid $300.00, PTO improperly claimed abandoned, In the interim , Raney filed for , novel, Circle Cylinder Engine, patent, No. 09/632,983, 3-26, 2002 , fee paid $380.00, PTO improperly, claimed patent abandoned, Raney contacted Senator George Allen, complaining PTO dysfunction, violating Article 1, sec. 8, cl. 8, sent Sen. Allen a copy of a new, novel, never before applied for patent application as **evidence** the PTO violating citizen patent rights, Raney filed application, No. 10/139,820 Swing Cylinder Engine, fee paid $380.00, a new, novel, world wide, **patent idea,** The PTO, examiner Mr. T. Collins, **promptly rejected**, "

Improbity claiming " Raney must send another $160.00 to prevent abandoning the immediate, Swing Cylinder Engine patent application.

ARGUMENT

1. Petitioner patent Mandamus requests to the US District Court are recorded **EVIDENCE** , ABSOLUTE PROOF the PTO is dysfunctional, failing petitioner constitution patent right, failing congress novel legislated purpose , to induce citizens, **opportunity** as a free people, government patent protection , for inciting citizen inventive genius, to elevate USA in home & world commerce. (G. v. C., 412 US 546).

2. PTO Appeal Board failure to answer **Three** Raney PTO patent board appeals, the board waived any appeal board fee, the board making **no request** for fee, to hear three patent board appeals submitted, the board failed to answer. Petitioner with-out knowledge of fee was not **required** as justified under Supreme Court Notice & **US Dist. Ct. Notice**

dated August 1996, a pro se will be held to less restrictive manner than attorney's.

3. The Supreme Court, primary, fundamental legislated purpose, is protection of free governed people under Article 3, section 1 & 2, In law & equity arising under the constitution, mandating appellate **CERTIORARI** jurisdiction as to law & fact, therefore, the court MUST rise, to the courts legislated duty. Appellate certiorari **discretion to deny**, is not *available to this court* according to the above articles or to the courts clerk where 300 million constitution appellate governed patent right of is concerned. (G. v D., 385 US 1)

4. The (RBW), US District Court of the Dist. of Col. Cir. Ordered the PTO, to show cause, in 45 days, based on Raney MANDAMUS complaint, why ?, patent should not issue, neither the PTO nor the PTO counsel responded. The (RBW) court then, set the Raney patent complaint for jury trial, set a

pre-trial hearing date, in the 9th. month, the (RBW) court with only 19 hour phone notice to petitioner , **dismissed** the case, **vacated** the PTO Mandamus order, canceled the pre-trial hearing , severely shocking Raney, who immediately APPEAL responded, filing to The Court Of Appeals for the **District Of Columbia Circuit**, the PTO Counsel filed a brief the patent case should be transferred to the US Court of Appeals for the Federal circuit, the court of appeals for the dist. of col. Cir. Ordered transferred, precipitating a Raney petitioner response to The Court Of Appeals for The **Federal** circuit **not to docket** the case, Raney was appealing to The Supreme Court of The USA. (The Constitution Published Article **3**, section 1 & 2, **Appellate Court Jurisdiction**).

Three years having now expired since Raney filed on date, 7-14-1999, his, 15 Helicopter patent claim application, the PTO falsely claimed abandoned, together with two other Raney patent applications, frustrated Raney appealed to the US Dist. Ct. Harrisonburg, Va. West. Judge Wilson, who stated Raney must appeal to the US Dist. Ct. of The Dist. Of Columbia,

besides stating " only one patent could be applied for at a time " The Supreme Court has differed with (L. v T., 213 US 301), next Raney appealed to the Us Dist. Court, Washington D. C. Judge Glady's Kessler, who informed Raney he must first appeal to the PTO Appeal Board Before appealing to the US Dist. Ct. of the Dist. Of Col. Cir., which Raney did, Raney filed three PTO appeal board patent appeals the PTO Appeal Board failed to answer. Having complied with Judge Kesslers order & memorandum, Raney then MANDAMUS appeal filed to The Dist. Ct. (RBW) of the dist, of Columbia circuit which (RBW) court issued the PTO MANDAMUS **show cause order**, the (RBW) court held for 9 months & **dismissed**. All a matter of court record, Raney for the **sixth time**, appealed to the court of appeals for the Dist. Of Columbia Circuit, which court on the PTO Counsel motion to transfer Raney Mandamus to the Appeals Court for the FEDERAL CIRCUIT, the US court of appeals for the District of Columbia Circuit **ORDERED.**

PLAINLY the judge Wilson US dist. Ct., the judge Kessler

US Dist. Ct., judge (RBW), Reggie B. Walton US Dist. Ct., all thought the US DISTRICT COURT FOR THE DISTRICT OF COLUMBIA CIRCUIT, was the proper court for patent jurisdiction complaint, petitioner Raney, therefore is well justified appealing to The Supreme Court of The USA under Article 3, section 1 & 2, " CERTIORARI", for **himself**, his **country** & the other US Constitution INDUCED, patent guaranteed, GOVERNED.

CONCLUSION

Petitioner contends, the Virginia, US District Court, judge Wilson, the Washington, D.C, US District Court for The District Of Columbia, judge Kessler, judge Walton of the same Court, who set Mandamus for trial, stated or believed , The US District Court for The District Of Columbia Circuit, was the proper court of **jurisdiction**, none proffered, any other US Dist. Ct., recalling, Petitioner first filed in the Virginia state US Dist. Ct. Western, which normal court of appeals is the 4th. circuit, NOT THE **DISTRICT** OR APPEAL COURT OF THE **FEDERAL** CIRCUIT, and the nine months belated PTO

counsel, **transfer** Motion to the Court Of Appeals, for The District of Columbia Federal Circuit, as **proper** Appeals Court For The District Of Columbia Circuit!

and for the ct. of appeals of the Dist. of Col. Cir. to accommodate the **federal, PTO agency** was **UNFAIR** to petitioner, violating the fundamental principle of the US Constitution, also, violating both the Appeals Court for The District Of Columbia, pro-se notice and The Supreme Court of the USA N O T I C E, dated August 1996 .

Fair trial, non bias, non prejudice, equity, fairness, is what the constitution is all about, save perhaps 10%. Article 3, section 1 & 2, of the constitution **defines** the citizen appellate jurisdiction in law & equity.

The Supreme Court must now recognize, the court is the only court that can render petitioner & his heirs justice, the inferior courts have failed. This court should grant petitioner US PATENTS CLAIMS applied for, understanding the court grants petitioner **nothing** but justice PTO constitutionally denied,

understanding any **patent** Supreme Court authorized, are **INVALID** if specifically held by other US Citizens predating Petitioner PTO patent applications July 14, 1999

Respectfully submitted,

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CERTIFICATE

I certify pursuant to Supreme Court Rule 44.2 that this Petition for rehearing is restricted to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

Arlin Edward Raney